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COMPENDIUM

OF THE

~~66. 89. 13~~

Several Branches of Practice

IN THE

~~Ed. 3. 101~~

COURT

OF

Exchequer,

AT

WESTMINSTER.

- Viz.* { 1. His Majesties Revenue.
2. Proceedings by English Bill.
3. Actions at Law brought in the
Office of Pleas.

With Commissions, Injunctions and other
Process and Pleadings relating thereunto.

L O N D O N,

Printed by the Assigns of R. and E. Atkins Esqs; for
H. Mortlocke at the Phoenix in St. Paul's Church-Yard,
and at the White Hart in Westminster-Hall. 1688.

IMPRIMATUR,

May 1st.
1688.

R. Wright.

Hhh 1155

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P R Æ F A C E.

THE Court of Exchequer, being one of the four Superiour Courts at Westminster, which (in the common Opinion) had their Origination time out of mind, either from Custome, or by the Fundamental Laws of this Kingdom, hath been supported with Eminent Privileges and great Authority.

In the Erecting whereof there appears to have been in our Ancestors a most Admirable Prudence and Foresight, particularly in the due Answering and Managing the Revenues of the Crown by such Incomparable Me-

Præface.

thods, which at this day cannot but be acknowledged to be the most Proper and Natural that possibly could be invented by the Wisdom of Mankind.

That this Court was at first instituted onely for the Conveying the King's Treasure and Revenues into his Coffers, is not much to be doubted. However in proceſs of time the Wisdom and Care of our Ancestors hath likewise been to add two other Branches to its Jurisdiction for the Benefit of the Subject, viz. that of Equity, in the nature of the Court of Chancery, and the Office of Pleas, for Actions at Common Law between Party and Party. In which Office moreover there is provided this conveni-

Præface.

veniency (not to be met with either in the Court of Kings Bench, or of the Common Pleas, where both Plaintiff and Defendant are Subjects, except upon Process of Outlary,) that the Quominus goes every where throughout the Kingdom of England, and Dominion of Wales, contrary to the known Maxim, Breve Domini Regis non currit in Wallia, nec in Quinque Portubus, as being supposed to be always brought by one who is Debitor Domini Regis.

This Court then consisting of these three Parts or Branches, viz.

1. The Management of the Kings Revenue.

2. A

Præface.

2. *A Power of Determining Causes in Equity by English Bill.*

3. *Cognizance of Pleas at the Common Law.*

And for that no Book hitherto extant doth comprehend the same, in regard there are several matters contained in the ensuing Sheets, wholly New to the Press, as not to be found in any Authour whatever, (the Writs therein being more ancient than the Register, and the Pleadings not to be found in any Book of Entries,) it is modestly presumed, that this Collection may meet with a favourable Acceptance from the Gentlemen concerned in the Study and Practice of the Law, which is all that is desired by

W. Brown.

TO THE
Right Honourable
St. *ED. ATKINS*, K^t
Lord Chief Baron
OF HIS
MAJESTIES COURT
OF
EXCHEQUER
At *Westminster*.

My Lord,

TO Design an Advantagous Representation of the Honour-
[a]

Epistle Dedicatory.

nourable and Antient
Court of Exchequer to
the World, a more Au-
spicious Juncture could
not be wish'd than this,
whilst the natural Lustre
and inseparable Beauty
of Justice and Order flour-
ish under the happy Pru-
dence of your Lordship's
Directions. Without the
Honour of whose Name
for Protection, any Ef-
say of this Kind would
look as naked as the Court
it self stripp'd of that
Exquisite Conduct which
all

Epistle Dedicatory.

all men acknowledge in
your Lordship, as its
greatest Ornament.

This Consideration,
Sir, has made me bold,
but 'tis your Lordship's
Favour onely can make
me safe: For who, my
Lord, can write so well as
you can judge? However
I have this pleasing Assu-
rance, that the *Compen-*
dium consisting onely in a
Collection of those Forms
by which your Lordship
Governs one of the most

[a 2] Im-

Epistle Dedicatory.

Important Concernments
of this Nation, their own
Beauty will shine through
all the Disadvantages of
an unskillfull Undertaker,
and my Endeavours will
yet be found usefull by
the force of their own
nature, how unartfully
soever Digested.

My Lord, Even
Courts themselves im-
prove, and new Acces-
sions have made the
Court of Exchequer
more largely Beneficial
than

Epistle Dedicatory.

than its forgotten Fountain would allow; Compleatness therefore is not to be expected in Private Men, amongst whom (I am sure) I have the Humility to be sensible of my own Incompetency for any other thing but Labour.

Sir, I have not made but collected the ensuing Precedents, and many of them wearing your Lordship's Stamp and Allowance, may, by an easie

Epistle Dedicatory.

ſie Metaphor, be rather
call'd your Lordſhip's
Works, than mine. *'Tis*
your Lordſhips Province
to Teach, and our Duty
to Learn. I have there-
fore with all imaginable
Care and Industry en-
deavour'd to Register
thoſe Leſſons of Praſtice
within this Honourable
Court, by which His
Majeſties Subjects, as well
as his own Revenue, are
ſerv'd; wherein, how
ſhort ſoever I have been
of one of thoſe Marks I
aimed

Epistle Dedicatory.

aimed at, I have this Satisfaction and Honour, that some part of my Life has been humbly dedicated to your Lordship, By,

My Lord,

Your Lordship's

Most Humble

and Obedient

Servant,

W. Brown.

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A
COMPENDIUM
 OF THE
PRACTICE
 OF THE
Court of EXCHEQUER.

THE Custome of the Realm is the very Ground of divers Courts in this Realm; That is to say, Of the Chancery, of the King's Bench, of the Common-Pleas, and of the Exchequer; The which be Courts of Record, because none may sit as Judges in those Courts but by the King's Letters Patents. And although in some Statutes mention is sometimes made of the said Courts, yet nevertheless of the first Institution of the said Courts, and that such Courts should be, there is no Statute nor Law written in the Laws of *England*, And so all the

Custome the
ground of di-
vers Courts.

B

ground

A Compendium of the

ground and beginning of the said Courts depend upon the Custome of the Realm; The which Custome is of so high Authority, That the said Courts, nor their Authorities, may not be altered, nor their Names changed, without Parliament. And these Courts have divers Authorities, as particularly of this Court of Exchequer. Doctor and Student, *cap. 7. fol.*

b. And *Coke* to the Reader before his 8th. Part, fol. 3. *b.* saith, That the Judges of *England* did affirm, that all the four Courts before mentioned be all the King's Courts, and have been time out of memory of Man; So that no Man knoweth which of them is the most ancient. 9. E. 4. 53. *b.*

Camden in his *Britannia*, fol. 113. saith, The Name. That this Court or Office took the Name *a Tabulis ad quam assidebant*, proving it out of *Gervasius Tilburienfis*; And more of this matter read in Doctor *Cowell's* Interpreter, *verbo* Exchequer.

The Parts. This Court consisteth as it were of Two parts, whereof one is conversant, especially in the Judicial hearing and deciding of all Causes appertaining to the King's Coffers, anciently called *Scaccarium Computorum*; The other is called the Receipt of the Exchequer, which is properly employed in the receiving and payment of Money.

The

Practice of Exchequer.

3

The Records of every Court be the most effectual proofs of the Law in things treated in them according to their several Jurisdictions, and they are Paterns to direct all the Realm to know the Law in such Cases; Therefore if Questions do arise touching the Revenue of the King, and what things do appertain to the King, which do draw to or concern the King's Revenue, and what not; And what is Law in that matter, and what not; The Records of the Exchequer are the most effectual Proofs and Testimonies of the Law therein; And that which is used in this Court is Law; And not onely in this Court, but in every other Court, and throughout all the Realm, which is exemplified by many Cases at large in *Plowden's Commentaries*, fol. 320. *B. & sequentibus; Information per Admes.*

The Records of Courts shew the Law.

The Courte of Courts is Law.

The Jurisdiction and the Business in this Court is much enlarged by the Statute made 33. H. 8. cap. 39. intituled, *An Act concerning the Execution of the Court of Surveyors.* In the end of which also is a new Law made for the more speedy Recovery of the King's Debts, then was by the Order of the Common Law, in five Points or Cases: First, in making every Bond made unto the King to be in the Nature of a Statute staple. Secondly, in giving Remedy to the King

The Statute 33. H. 8. cap. 39.

A Compendium of the

himself for an Obligation made unto others to his use. Thirdly, to recover Costs and Damages. Fourthly, in suing of Execution for all his Debts by *Capias*, *Extendi facias*, *Subpoena*, *Attachment*, and *Proclamation of Allegiance*, &c. Fifthly, in charging the Issue in Tail, and the Heir who hath the Land of the gift of his Ancestors.

By Common
Law the
King's Deb-
tors Lands
and Goods
lyable to
Execution.

The Proviso
for pleading
in discharge
of the debt.

And nevertheless at the Common Law the Lands and the Goods of an Accomptant or Debtor of the King, were lyable to Execution for the King, for *Theſaurus Regis eſt Pacis vinculum, & Bellorum Nervi*; And therefore the Common Law did give to the King full remedy for it, as appears by divers Books and Presidents in the Exchequer, in *Coke's 3. Part*, fol. 12. B. in *Sir William Herbert's Case*. Note also *Cokes 7. Part 20. Sir Thomas Cecill's Case*; And especially one Branch or Proviso in the end of the said Statute, for it is greatly for the benefit of the Subject, which followeth: That if any person of whom any such debt or duty is, or at any time hereafter shall be demanded, alledge, plead, declare, or shew, in any of the said Courts, good, perfect, and sufficient Cause, and matter in Law, Reason or good Conscience, in Barr or discharge of the said debt, or duty; Or why such person or persons ought not to be

be charged or chargeable to or with the same, and the same Cause or matter sufficiently prove in such one of the said Courts as he or they shall be impleaded, sued, vexed, or troubled for the same; That then the said Court, and every of them, shall have full power and authority to accept, judge, and allow the same proof, and wholly and clearly to acquit and discharge all and every person and persons that shall be so pleaded, vexed, sued, or troubled for the same: Any thing in this present Act before mentioned to the contrary notwithstanding.

And note in *Coke's* 7. Part, fol. 20. B. the Proviso of the said Statute mentioned, concerning the equal charging of the Lands lyable to the King's debt in the hand of every Owner and Possessor; And that any of them shall not be charged onely, and that this doth extend to the King's Debts, and to Executions for the levying of them, as well at the Common Law as upon the said Statute. And in *Co.* 3. Part, fol. 14. a.

Lands equally chargeable in several mens returns.

Forasmuch as the Commonalty of the Realm hath sustained great loss and damage by wrongfull taking of Distresses, which have been made by Sheriffs, and by other the King's Bailiffs for the King's Debts, or for any other Cause; It is therefore provided and ordained, That

Statute de districtione Scaccarii.
51. H. 3.

when a Sheriff or any other Man doth take the Beasts of other, they to whom the Beasts do belong may give them their feeding without disturbance (so long as they be impounded) without giving any thing for their keeping; And that the Beasts, nor no other distress taken for the King's debt, nor for any other Cause, be given ne sold within fifteen days after the taking; And if any bring a Talley of a payment made in the Exchequer, that distress shall cease. And if he bring the Talley of any Sheriff or Bayliff of payment made to them of that Thing demanded, and will find pledges, that he appear in the Exchequer upon the next Accompt to doe as right shall require, Then the Distress shall cease. And the Sheriff or Bayliff shall cause him to be attached that ought to have acquitted him, that he appear upon the same Accompt to doe as right shall require, and there have the Names of the pledges. Yet it is provided, That no man of Religion, nor other, shall be distreined by his Beasts that gain his Land, nor by his Sheep for the King's Debt, nor for any other Man, except they can find no other distress, or Cattell sufficient, whereof they may levy the Debt, or that is sufficient for the demand: Except impounding of Beasts that a man findeth in
his

his ground Damage fefant after the Ufe and Custome of the Realm; And that fuch Distreffes be reasonable, after the value of the Debt or Demands, and after convenient Eftimation, and not outrageous: Howbeit the King willeth and commandeth the Sheriffs or their Bayliffs that have received the King's Debt of the Summons of the Exchequer, and have not acquitted the Debtors thereof at the next Accompt, fhall be punifhed after the Statutes made thereupon. And the King willeth, That all Debts of Summons of the Exchequer that the Sheriff or Bayliff confelleth Receipt, fhall be allowed him forthwith; So that whether he received all the Debt or part, it fhall never come more in Demand, nor Summons after the Sheriff hath confefled the payment.

Obferve well the Earl of *Devonshire's* Cafe in *Cokes* 11. Part, fol. 89. For it is plainly proved, That the King may charge any man in Accompt who in any manner are accomptable, and fhall levy the fame, which any perfon is chargeable to him by Law, not onely againft the party himfelf, his Lands and Goods in his hands being, but in the hands of his Heirs, Affigns, Executors, or Administrators; and if he have no Executors or Administrators, then in the

The King's
remedy a-
gainft Ac-
comptants.

hands of the Possessors of the Goods of the Dead, to render Accompt to the King. And in the conclusion of the Case it is said, That he who doth intend to deceive the King of that which doth appertain to him, will in the end deceive himself; where are cited many Book-Cases and Presidents for this matter adjudged in this Court.

Blague, one of the Barons of the Exchequer, moved a Question before the said Barons upon the King's General Pardon made by Authority of Parliament, *Anno 7. H. 8.* That is to say, That whereas the King (*inter alia*) did pardon all Issues, and Amerciaments, and Alienations without licence of Lands holden of the King before the 14th. day of *November dicto Anno septimo*; And also all Intrusions and Entries upon any Possessions of the King before the first day of *February, Anno 6. Regni sui, &c. ut in Actu.* And divers people who were chargeable with such Issues, Amercements, and Intrusions, are now in this Case. There were divers Sheriffs and Escheators who had such Issues, Amercements, and mean Profits for Intrusions and Alienations without licence within their Bayliwick, and were accountable for them, the which Officers did enter into their Accompt before the making of the Act. Now the Court

The manner
of Sheriffs
Accompts.

Court of Exchequer is such, That so soon as such Officer doth enter into his Accompt for such matters, to mark upon his Head *O. Ni.* the which is as much to say, *Oneratur, nisi habet sufficientem Exonerationem, &c.* And presently he is become the King's Debtor, and a *Debet* put upon his Head. And so soon as the Sheriff or Escheator are so become Debtors upon Record (*ut supra*) presently are those paravail become Debtors to the Sheriff or Escheator, and the Sheriff in this case shall levy the debt against the particular persons paravail by a *Constat.* And so in this case as well the Sheriff or Escheator as the parties were always out of the remedy of the Pardon, because the Pardon did not extend to any debt, and this was a debt to the King before the making of the said Act. But if the Sheriff or Escheator enter into his Accompt after the Act without taking advantage of the Pardon, in this case, he is chargeable to the King by his own folly, and the particular persons paravail are at their liberty, and shall have their advantage of the Pardon, as well against the King as against the Sheriff or Escheator; And so a diversity where they enter into their Accompt before the making of the Act, and where after the making of the Act, &c. And it was said
by

by all the Barons *una voce*, that where the Sheriff or Escheator in such a case enter into his Accompt, and *O. Ni.* is marked upon his Head, so that he is perfectly become Debtor to the King; that presently the particular persons paravail are become Debtors to the Sheriff or Escheator, and clearly discharged against the King for ever. And they are so discharged against the King, that if the Sheriff or Escheator become insolvent, the King shall lose his debt, and never resort to the particular persons paravail again, but he is clearly without remedy. *Keilway 187. Dyer 197. B.*

Information
of Intrusion.

Upon Intrusion upon the King, and committing Trespass upon his Land and Possession, the Use is, To have an Information of Intrusion for the King in the Exchequer, and to make him there to answer; And when he doth appear in the Exchequer, the use is, there, to bind him by Recognizance to avoid the Possession of the King at his peril. *Fitzh. Nat. Br. 90. 7.* And see in *Plowden's Commentaries*, 561. *A.* for such a matter. Although Intrusion be but as a Trespass, yet the King shall have the possession. Now upon an Intrusion for the King to plead a Lease for years by a good Conveyance, is not good against the King, and he may Demurr upon such a Plea:

Practice of Exchequer.

11

a Plea : For a man must make to him a Title to the Freehold in such Cases against the King, otherwise he shall be dispossessed by the Court of the Exchequer. *Dyer* 238.

Of any thing which doth touch or concern the King, and may turn to his advantage by Expedition, this Court of the Exchequer shall have Cognizance. *The Jurisdiction and Priviledge of this Court.*

38. *Ass.* 20. And therefore all Officers who doe attend upon this Court, shall have priviledge to be sued in this Court, and not elsewhere, for their absence (if they should be sued in any other Courts) would be prejudicial unto the King's business in this Court ; And therefore for the benefit of the King in the dispatch of his business, the Officers and Ministers of the Court shall sue and be sued in the Exchequer. *Plowden* 218. vide *Dyer* 328. *B.* And if such a priviledged man have a *Quo minus* in any other Action in which the King is party, the Sheriff may in execution thereof (after request made to open the Doors) break open the House, and enter, &c. *Coke's* 5. Part 93.

And one who is indebted to the King by a Surmise of a *Quo minus*, may have the priviledge of this Court against the Executors of his Debtor, though the Debt did grow to him by a simple Contract

The wager
of Law al-
lowed.

tract between him and the Testator, and this is by common usage in this Court. 11. H. 7. 26. And the Defendant in the *Quo minus* shall not discharge the Debt by wager of Law, or by his Oath. Co. 4. Part 93. and many other Books.

Quo minus for
Fee-farmer.

A Town or City who do pay a Fee-farm to the King for the Town, may have a *Quo minus* against those who have usurped upon their Franchises, so that the Bayliff cannot pay the Farm; And the Writ shall be directed to him or them who doe usurp. 32. H. 6. 27.

For the Kings
Debtor.

The King's Debtor may have a *Quo minus* for his proper Debt, for the Cause aforesaid, but he cannot have a *Quo minus* for a Debt which is due to him as Executor to another, for the King cannot have thereof Execution for his debt. *Quo minus*, Brooke 5. And see a special Case in 44. E. 3. fol. 44. where a *Quo minus* doth not lye: But if he be Debtor to the King for the Debt of the Testator, he may sue by *Quo minus*, and so is the constant course.

Quo minus
for a Monk.

And for the advantage of the King, a Monk (who is a dead man in the Law) if he be the King's Farmer, may have a *Quo minus* in the Exchequer in his own Name, without his Abbot against his Debtor, *Quo minus Debitum Domino Regi solvere potuit*; And therefore many Presi-

Presidents hereof be in the Pipe. 8. *H. 5.*
Quo minus. Brooke 8.

And a Married woman whose Husband is banished, may have a *Quo minus* in her own name without naming her Husband, if she be Farmer to the King.

For a Feme-Covert where the Husband is banished.

2. *H. 4.* 7.

Note, The Farmer of the King who will bring a *Quo minus* in the Exchequer, must alledge, that he is the King's Farmer, to enable him to sue there, but he need not to shew his Lease to the Court, for it is meerly collateral to his Action.

The King's Farmer may have a *Quo minus*, and need not shew his Lease, &c.

Coke's 6. Part. 38. *b.*

Note the Case in Coke's first Part, fol. 3. *A.* where the Debtor of the King brought a Bill *de placito Ejectionis firme* against one, and the Declaration thereupon.

Ejectionment by the King's Debtor.

In 38. *Ass. pl.* 20. A Prior is the King's Debtor, and he ought to have Tithes of a Spiritual person: The Prior may chuse either to sue for the Substraction of his Tithes in the Ecclesiastical Court, or in the Exchequer, [And yet the parties and the matter also was Ecclesiastical] For seeing the matter by a mean concerneth the King, he may sue for them in the Exchequer, as well as in the Ecclesiastical Court, and there shall the right of Tithes be determined. Coke's 5th. Part. 16. of the King's Ecclesiastical Law;

A Suit there for Tithes, although both parties are Spiritual.

And

The King's
Debtor par-
takes of his
Prerogative.

And so the Debtor of the King is participant of the Prerogative of the King, for the King to have benefit by the Suit, as is in *Plowden*, fol. 208.

Vide *Hoe's Case* in *Coke's* 2d. Part of his 5th. Book, fol. 70. a.

What Lands
lyable to the
King's debt.

Husband and
Wife.

But if one who is Accomptant or Debtor to the King, purchase Lands to him, and to his Wife for their Lives in Tail, or in Fee, and the Husband dyeth, these Lands are not lyable, and she shall not be charged. *Fitzb. Na. Br.* 150. g. And in *Crompton's Courts.* 110. b. This reason is made, because there is no Moieties between the Husband and the Wife.

Dower.

But if the King's Debtor seized of Lands in Fee, or in Fee-tail, take a Wife, and dye, she shall be chargeable, and barred to recover her Dower, *Dones*; But if the Husband seized of Lands as aforesaid, taketh a Wife, and after is become Debtor to the King, and dyeth, her Dower is not to be charged for the payment of the King's Debt. *Fitzb. Na. Br.* 150. g.

Husband and
Wife.

But if the Husband be Debtor, and doth purchase Lands, and afterwards alien them, and after doth purchase part of them to him and his Wife for life, and the Husband dyeth, the King shall have Execution of those Lands, because the King had interest to seize before the Repurchase,

purchase, as it appeareth in the Exchequer in *Plowden*. 321. in *Sir William Cavendish* his Case.

Where Husband and Wife had a Term for years joyntly, the Husband did receive divers Summes of money of *Sir Hugh Spencer*, who was attainted, so that the money did appertain to the King, and after the Husband dyeth, the King upon this matter found, shall have this Lease in Execution to pay the King, as well by this matter found after the death of the Husband, as it should have been, if it had been so found in his life, for once the King had Title to have the Lease; And therefore in this Case, *Nul- lum tempus occurrit Regi*, 50. *Aff. pl. 5.*

Husband and Wife.

Term for years joyntly.

And it is verified in *Plowden*. 261. *A.* and in *Coke's* 8. Part. 171. Another Reason is made hereof, viz. this was the Act of the Husband, and he had power of the Term at the time of his death, and his Wife did come into it without valuable consideration, *Et quodam modo* doth continue the Interest of her Husband.

Sir William Fleetwood, Anno 35. *Eliz.* The King's Debtor may sell a Chat- tel before Execution awarded, and it shall not be lyable. was possessed of a House and certain Lands in *Pynner*, in the Parish of *Harrow*, in the County of *Middlesex*, for certain years yet enduring. And Anno 36. *Eliz.* he became Receiver-General of the Re- venues of the Court of Wards, &c. and did

did enter into 20 Obligations, every of them 200 *l.* upon Condition to make a yearly perfect Account before the Twentieth day of *June*, &c. And afterwards upon several Accompts in *Annis* 36, 37, 38, 39. he became indebted to the Queen in great Summes of money, and he so being in debt, by his Indenture 10. *Februarii Anno* 40. *Eliz.* in consideration of 1100 *l.* did bargain and sell the said Lease unto *James Pemberton*, by force of which he did enter, and was thereof possessed, which by mean Conveyance, and for 1300 *l.* was sold unto Sir *Gerard Fleetwood*. The Question, whether the said Messuage and Lands be now extendable or lyable to the King's debt. And it was resolved, That although it be at the Election of the Sheriff, either to extend or to seal a Lease, so long as it doth abide in the hands of the King's Debtor, (as by divers Books there cited appeareth) yet that the Sale of the term of years shall bind the King, because that the said Term is but a Chattel, and there was no Covin in the Case, and a Sale *bona fide* after a Judgment is good of Chattels, but not Execution awarded, as appeareth in 2. *H. 4. 14. per Curiam*. And in this Case *Coke* Chief Justice said, A Receiver or other Accomptant shall not be in a worse Case then a Felon, or
Traytor,

Traytor, who may after the Felony or Treason committed, and before Conviction, sell *bona fide* any his Chattels reals or personals for his sustenance, or otherwise. *Nota* this Case in *Coke's* 8. Part, fol. 171 for it tendeth much in favour of the poor debtor, and in relief of him that is afflicted.

Anno 35. *Eliz.* it was resolved in the Case of Sir *Christopher Hatton* late Chancellor of *England.* who did become such an Officer to the Queen in *Anno* 20 of her Reign, That if such an Officer doe accompt well and truly to the Queen, and owe her nothing; And in *Anno* 22. of her Reign being in so good case doth purchase Land in the same year, and convey and lett it to others *bona fide* upon good and true Consideration; And after 32. *Eliz.* he become in Arrearages upon his account by reason of the same Office for four or five years, which is a long time after his Conveyance or Lease, That yet the Land so conveyed or lett shall be lyable unto those Arrearages, by reason of the Retrospect of the words of the Statute of 13. *Eliz.* cap. 4. As if the same Treasurer, &c. had the day he became first Officer, &c. stood bound, &c. as it is in *Coke's* 10th. Part. 55. *B.*

From what time an Accountants Lands shall be liable.

If the Tenant of the King doe receive his Rents due by his own Tenants at the

did enter into 20 Obligations, every of them 200 *l.* upon Condition to make a yearly perfect Account before the Twentieth day of *June*, &c. And afterwards upon several Accompts in *Annis* 36, 37, 38, 39. he became indebted to the Queen in great Summes of money, and he so being in debt, by his Indenture 10. *Februarii Anno* 40. *Eliz.* in consideration of 1100 *l.* did bargain and sell the said Lease unto *James Pemberton*, by force of which he did enter, and was thereof possessed, which by mean Conveyance, and for 1300 *l.* was sold unto Sir *Gerard Fleetwood*. The Question, whether the said Messuage and Lands be now extendable or lyable to the King's debt. And it was resolved, That although it be at the Election of the Sheriff, either to extend or to seal a Lease, so long as it doth abide in the hands of the King's Debtor, (as by divers Books there cited appeareth) yet that the Sale of the term of years shall bind the King, because that the said Term is but a Chattel, and there was no Covin in the Case, and a Sale *bona fide* after a Judgment is good of Chattels, but not Execution awarded, as appeareth in 2. *H.* 4. 14. *per Curiam*. And in this Case *Coke* Chief Justice said, A Receiver or other Accomptant shall not be in a worse Case then a Felon, or
 Traytor,

Traytor, who may after the Felony or Treason committed, and before Conviction, sell *bona fide* any his Chattels reals or personals for his sustenance, or otherwise. *Nota* this Case in *Coke's* 8. Part, fol. 171. for it tendeth much in favour of the poor debtor, and in relief of him that is afflicted.

Anno 35. *Eliz.* it was resolved in the Case of Sir *Christopher Hatton* late Chancellor of *England*. who did become such an Officer to the Queen in *Anno* 20 of her Reign, That if such an Officer doe accompt well and truely to the Queen, and owe her nothing; And in *Anno* 22. of her Reign being in so good case doth purchase Land in the same year, and convey and lett it to others *bona fide* upon good and true Consideration; And after 32. *Eliz.* he become in Arrearages upon his account by reason of the same Office for four or five years, which is a long time after his Conveyance or Lease, That yet the Land so conveyed or lett shall be lyable unto those Arrearages, by reason of the Retrospect of the words of the Statute of 13. *Eliz.* cap. 4. As if the same Treasurer, &c. had the day he became first Officer, &c. stood bound, &c. as it is in *Coke's* 10th. Part. 55. *B.*

If the Tenant of the King doe receive his Rents due by his own Tenants at the

From what
time an Ac-
comptants
Lands shall
be liable.

Rent paid to the King's Tenant in discharge against the King, if his Tenant dye on the Rent-day.

The Lands of Tenant in Tail liable.

Feast of *Christmas*, and after the King's Tenant dyeth the same day of the said Feast, the Tenant shall pay that Rent again, and the Terrtenant shall be charged therewith in the Exchequer. 44. *E. 3.* fol. 3. *B.* vide *Coke's* 10th. Part. 127. *B.*

And how the Heir in Tail shall be chargeable for the payment of his Ancestor's debts due to the King, the Case in *Coke's* 7. Part. fol. 21. is as followeth, upon a Branch of the Statute of 33. *H. 8.* cap. 39. That all Mannors, Lands, &c. which now or that hereafter shall come or be in or to the Possession or Seisin of any person to whom the same Mannors, Lands, &c. have heretofore or hereafter shall descend, &c. in fee-simple or fee-tail, &c. by or after the decease of any his or their Ancestor whose Heir he is; which said Ancestor or Ancestors was, is, were or shall be indebted to the King, or to any other person to his use, by Judgment, Recognizance, Obligation, or other specialty. That then in every such Case the same Mannors, Lands, &c. shall be, and stand by Authority of this Act from thenceforth charged and chargeable to and for the payment of the same debt.

It was resolved, That if Tenant in Tail doe become indebted to the King
by

by the receipt of the King's Monies, or otherwise (except it be by Judgment, Recognizance, Obligation, or other Specialty) and dyed. The Land in the Seisin of the Issue in Tail by force of the said Act of 33. H. 8. shall not be extended for such a debt to the King; for the Statute aforesaid doth extend onely unto the said four Cases: And all other debts doe remain at the Common Law, discharged in the hands of the Heir in Tail.

In what Cases.

Also it was resolved, That if Tenant in Tail doe become indebted to the King by one of the four ways mentioned in the said Act, and dyed, and before any Process or extent the Issue in Tail *bona fide* doe alien the Land in Tail, That now this Land shall not be extended by force of the said Statute; For as it appeareth by the words of the said Branch, it doth make the Land in the possession or seisin of the Heir in Tail, onely lyable against the Issue in Tail, and not against the Alienee; For the effect of that Branch, as unto this purpose is, That all Lands that shall be in the Possession or Seisin of any person to whom the same shall descend in Fee-tail as Heir, whose Ancestor was indebted to the King, &c. That then in every such Case the same Land shall be charged with the King's debt; So that by the express purview of the Act

Lands aliened by the Issue in Tail not extendable.

A Compendium of the

the Land shall be onely extended so long as it is in the Possession or Seisin of the Heir in Tail; For the Act doth say, That in every such Case the Land shall be charged. And for so much as the Land against the Issue in Tail was not extendable before the said Statute, the King now hath benefit to extend it in the possession of the Heir in Tail, which he could not doe before: But the King cannot extend it in the hands of the Alienée, for the Statute doth not extend so far, and the Makers of the Statute had reason to favour the Purchaser, Farmer, &c. of the Heir in Tail, more then the Heir himself, for they be strangers to the debt of Tenant in Tail, and they came unto the Land *bona fide*, and upon good consideration. *Coke's 7. Part. fol. 21. The Lord Anderson's Case.*

The Statute extends not to Debts originally due to a Subject to charge the Heir in Tail.

And it is resolved, That if a Debt be originally due to a Subject, that such a Debt is not within the said Statute of 33. H. 8. to charge the Land in the possession or seisin of the Heir in Tail; For the said Act as to charge Land intailed against the Issue, doth extend onely unto Debts originally and immediately due to the King by Judgment, &c. which is intended to be an immediate Debt, and not the Debts which were due to Subjects, and after did appertain or accrue

to the King by reason of Attainder, Outlawry, Forfeiture, Gift of the party, or by any other collateral way or means.

In the before recited Statute of 33. H. 8. cap. 39. it is enacted, That if any Suit be commenced or taken, or any Process hereafter be awarded for the King, for the Recovery of any the King's Debts; That then the same Suit and Process shall be preferred before the Suit of any other person or persons. And that our said Sovereign Lord his Heirs and Successors shall have first Execution against any Defendant or Defendants of and for his said Debts before any other person or persons: So always that the King's said Suit be taken and commenced, or Process awarded for the same Debt at the Suit of our said Sovereign Lord the King his Heirs or Successors, before Judgment given for the said other person or persons.

The King's Suit to be preferred.

Upon an *Extendi facias* upon a Statute staple the Sheriff doth extend the Land, and sell the Goods, and after the day of the return of the Extent into the Chancery, but before any actual return, a Writ of Prerogative issueth that the Sheriff shall first levy an 100 l. for the King, which the Debtor did owe to the King, and the Sheriff was amerced for his Special Return of this matter in the Exchequer.

The King's Extent to be first served.

quer, and compelled to execute the Writ of Prerogative; For it was holden, that till the *Liberate* no Property is in the Conizee: But the Reporter saith, *Quare*, for the opinion of many in the Temple is, That the Extent doth seise them in the King's hand to the use of the party, and that thereupon they are in the Custody of the Law priviledged from all other Executions. *Dyer* 67. B. 98. B.

Writ of Priviledge.

One *H. Receiver General* of the Revenues of the Crown in the Counties of *Warwick* and *Leicester*, and the City of *Coventry*, being impleaded in the Common Pleas, did come at the Exigent, and brought a Writ of Priviledge out of the Exchequer, in these words: *Regina, &c. Dilect. & fidel. nostro J. D. Milit. Capital. Justic. nostr. de communi Banco ac aliis sociis suis Justiciar. nostris ibidem salutem. Inter ea que Regni dignit. exornant illa consuet. antiqua nostro & predec. nostr. tempore usitat. ita nos prerogat quod a quibuscunque debitoribus nostris sunt debita nostra levand. & de bonis eorum solvend. priusquam eorum Creditoribus satisfaciat. Jamque dat. est nobis intelligi, Quod J. H. generosus & M. uxor ejus Edw. Hunt generosum Receptorem nostrum generalem Revencon. Corona nostre in Com. Warwic. Leicestr. & Civitat. Coventr. coram vob. per nomen E. Hunt nuper de London generosi*

rosi alias dict. E. H. de London generos. trahunt in placitum Quo minus idem E. H. nobis de revencionibus pred. satisfacere valeat ut tenetur in nostri damnum ac solutionis revencionum pred. retardationem manifestam: Ac nos volentes dictam prerogativam nostram servare illesam, ac præ ceteris creditor. ipsius E. & aliorum quorumcunque satisfieri ut est justum. Vobis precipimus, ne placitum pred. nec aliquod aliud placitum versus pred. E. H. ad sectam aliorum quorumcunque Teneatis contra dignitatem & consuetudinem pred. sed hujusmodi placita ac omnibus aliis placitis versus pred. E. H. coram vobis mot. seu movend. superseadeatis omnino premunient. pred. queren. quod versus pred. E. H. penes Scaccarium nostrum prosequantur, si eis viderit expedire. Teste E. Saunders milite apud Westmonasterium decimo die Junii Anno Regni nostri decimo quinto Per rubrum librum de Scaccario, fo. 36. quoad Prerogativam pred. Et per Barones, Fanshawe. Dyer 328. But this Writ was not there allowed.

In the Exchequer-Chamber *Litingworth* Chief Baron of the Exchequer did rehearse to the Justices, How that *T. Younge* Justice did sue a Bill against the Clerk of the Hamper in the Exchequer upon his Accompt, the which Clerk there did implead the last Term till this Term; And at this Term a *Superseadeas* was sent unto

Priviledge of an Accomptant to sue and be sued in the Exchequer,

us, reciting, that he was Clerk of the Chancery, and therefore ought not to be sued, but onely there, Commanding us, that we should surcease, &c. And the Question to them was, if this *Superfedeas* be allowable, for so much as he had affirmed the Jurisdiction, &c. And the Justices did hold without question, That he never could disaffirm it, and all are the Courts of the King, and have from time out of mind; So that a man cannot know which is the most ancient Court, &c. And also they did hold clearly, if he had not imparled, yet the *Superfedeas* should not be allowed, for every Accomptant must be Accomptant, and present, and where he is present it is convenient he be sued; Also it is for the advantage of the King, that he be sued here; for if he should be driven to answer elsewhere, then he could not be attendant here to pay the King, and an Accomptant here may have a Bill against his Debtor; and this is for the King's advantage, so that he may presently pay the King. And if an Accomptant in the Exchequer be sued in the Common Pleas, he shall send a *Superfedeas* unto them to surcease. And if he be sued in the King's Bench, those of the Exchequer may shew their Record, that he is accomptable, for they cannot make a *Superfedeas* to the King,

King, and the Plea is there *coram Rege*, &c. and thereupon he shall be dismissed, for he ought to be sued in the Exchequer; And also *Fairfax* said, That the Suit of Justice *Younge* is as Assignee of the King by his Patent to have the money from the Clerk of the Hamper upon his Accompt, and no *Supersedeas* will lye against the King, no more will it lye against the King's Assignee. *Younge*, What if the Chancellor will command me upon a pain that I shall not sue him? *Billinge*. You are not bound to obey it, for this Commandment is against Law. 9. E. 4. 53.

By a *Capias ad satisfaciend.* out of the King's Bench at the Suit of the Lord *Dacres* against *Lascells* for 312 l. he was taken in London, and before the day of the return of the Writ he was taken at the Suit of the King for 100 l. which was returned into the Exchequer, before the Return of the said *Capias* of the Lord *Dacres*: And the Sheriff at the day of the Return into the Exchequer doth shew the Cause of the Arrest of *Lascells*, and that he must have his Body in the King's Bench at such a day: And *Lascells* being opposed by the Barons for the said King's debt, did confess it, and thereupon he was committed to the Fleet for the King, and the Lord *Dacres* also, and the

Execution at the Suit of the King and party.

the Sheriff discharged. And afterwards *Lascells* was brought into the King's Bench by a *Habeas Corpus* by the Guardian of the Fleet, and there he doth return all the said matter ; And upon this he was by the King's Bench committed to the Fleet for the said Debt of the Lord *Dacres*, and for the Debt of the King. *Dyer* 197.

Escape.

Execution
for the King
and party.

One in Execution in the Fleet committed out of the Exchequer for the Debt of the King, was also there in Execution at the Suit of another out of the King's Bench : And after the Lord Treasurer and Chancellor of the Exchequer for the King, did command the Keeper of the Fleet to suffer the Prisoner to go with the Keeper to *Norfolk* to hasten the King's payment, upon which he at whose Suit he was in Execution there out of the King's Bench as aforesaid, brought a Writ of Debt against the Guardian of the Fleet for an Escape in the Common Pleas : And yet the Prisoner did return with his Keeper to the Fleet again, although he were out of his keeping. And it was holden by the opinion of all the Justices of both Benches in the time of Queen *Mary*, and also in the 12th. and 13th. years of Queen *Elizabeth*, that the Action doth lye. *Dyer* 193, 197, 297.

In

In accompt for the Arrearages of a Rent upon the charge of the King's Auditor in the Exchequer, It was pleaded, That long time before the King had any thing in the Land whereout the Rent, &c. That one *J. Abbot* of *D.* was seised in Fee as in right of his House, and did lett it with the Assent of his Covent by Indenture sealed with their Common Seal for the Term of years yet enduring to one *A. B.* by force of which he was possessed, whose Estate the Defendant hath, &c. and for the King the Attorney doth maintain the Intrusion, and doth Traverse the Lease by the *Abbot*, *Et alii contra*. And it was found for the Defendant against the King : And in Arrest of the Judgment this default in the Plea was alledged for the King, because the Intruder by the Course of the Exchequer ought to make a Title, or otherwise he shall be dispossessed ; That is to say, that the Pleadings of a *Qua estate* of a Term, which well may be granted out of the Land, doth differ from a *Qua estate* of a Freehold ; And therefore the Plea not sufficient if the Attorney had Demurr'd upon it, but now the advantage of that is past, and the grant of the Estate of the Term to the Defendant not denied : But the Lease of the *Abbot* onely Traversable, which was the original and ground of

Intrusion.
Pleading.

of the Estate, &c. whereupon in *Termino Michaelis prox. Judicium dat. cont. Regem.* Dyer 238. B.

Customer answerable for his Deputy.

The Deputy of a Customer in a Creek of a Port, in which Case a Deputy is to be made by the Statute of 1. *Eliz.* cap. 11. did falsly conceal the Custome of a Merchant; And the Customer himself (thereof being ignorant) did certifie by his Oath the Customs of that Port in the Exchequer according to the false Information of his Deputy: If the Customer himself for this false Concealment shall be impeached by the Queen for the forfeiture of the treble value of the Merchandise so customed, and shall make Fine and Ransome according to the Statute of 3. *H. 6.* cap. 3. it was much in Argument in the Exchequer; And at the last Judgment was given *pro Domina Regina* against the Customer by the Report of Sir Edmund Saunders Chief Baron. Dyer 139.

Custome for Goods laded in lieu of Goods lost in a Tempest at Sea.

A Merchant did ship Cloaths to be conveyed beyond the Seas, and in a Tempest for to save the Ship and Mariners they did jet-out much of their Cloaths into the Sea, and did return to the Port from which they went, and where they had laded the said Cloaths, and did shew this matter to the Customer there, and did ask him, if they might ~~not~~ load so much

much of other Cloth to be conveyed beyond the Sea in lieu of those which were jetted in the Sea ; And the Customer said, that he thought they might, and did give them licence : Upon which they did load so many other Cloaths without Custome paying ; And upon Information of this matter disclosed, it was demurred : And it seemeth by the Opinion on the Information doth not lye. *Tamen quere*, Dyer 43. And see more of this matter in *Plowden's Commentaries*, fol. 1.

Note, Custome is due to the King by the Common Law, and it is an Inheritance in the King, and not given by Statutes, as it seemeth by the Statute of 14. E. 3. which was the first Statute that doth speak of any Custome, and this Statute doth not give nor limit to the King any Custome, but doth abridge the Custome which was paid for Wool, for the words of the Act be *Prohibitories*, and saith, That no English-man shall pay for Custome of a Sack of Wool but half a Mark ; which doth prove, that the Custome is the Inheritance of the King by the Common Law ; And the Subsidy is a Tax assessed by Parliament, and granted by the Commons. The Common Law doth give forfeiture for Concealment of Custome, *Dyer* 43. Note according in *Sir John Davis* his Book, fol. 8, 9.

Custome due to the King by the Common Law.

An

Mines of
Gold and
Silver.

An Information in the Exchequer for the Queen was brought against the Earl of *Northumberland* for Mines of Gold and Silver ; Divers did hold, that where the Gold which shall be tried, and fined-out of the Copper, doth exceed the Charge of the fining of it, that then the Queen shall have it, otherwise not ; And in his Information it was not so averred ; And this was the principal Cause of the Judgment for the Queen against the Earl, (as I take it ;) And for because that it was not averred, that the Gold doth exceed the Charge of the getting of it, therefore it shall be taken, that the value of the Gold did exceed the Charges, &c. *Plowden* 336, 340.

Co. 7th Part.
30. b. in me-
dio.

The Judges in the Exchequer are, The Lord Treasurer of *England*, the Chancellor of the Exchequer, the Lord Chief Baron, and three other Barons ; whereof more particularly followeth.

Treasurer.

Note in *Coke's* 11th. Part 91. a. That *Anno* 1. *Eliz.* the Queen by her Letters Patents did constitute the Marquess of *Winchester* *Thesaurarium Scaccarii sui durante Beneplacito*, and did constitute him Treasurer of *England* by delivering to him a Staff.

Offices of
Searcher,
&c. how
grantable.

Note the Statute made 31. *H. 6.* cap. 5. That no Letters Patents shall be made of the Office of Searcher, Gauger of Wines, Aulneger,

Aulneger, Finder, Weigher, Collector of Customs, Subsidies, or Comptroller, but by Warrant of Bill sealed by the Treasurer of *England* for the time being, sent into the Chancery, as it hath been accustomed before this time; And that all Letters Patents made or to be made hereafter of any the said Offices by other Warrant then by the Bill of the Treasurer shall be void, and of none effect. *Dyer* 303.

Also the Lord Treasurer hath the Gift or disposing of all the Offices of Escheatorships, as by the Statute appeareth. 33. *H. 8.* cap. 22.

Offices in the Lord Treasurer's Gift.

But it is resolved, That the Lord Treasurer, nor any other Officer which the King hath, nor all they together, may *ex Officio* issue, or dispose of the King's Treasure, although they so do it for the honour or profit of the King himself; But in such Case, they must have the King's Warrant. Also it is resolved, That every Warrant which the King himself doth make concerning the issuing of any part of his Treasure, is not sufficient; For a Warrant by Word, or by the King's Mouth, or (which is more) by the King's Warrant in Writing under the Privy Signet, is not sufficient for the Disposing of his Treasure. *Coke's* 11th. Part 91. b. 92. a.

The King's Treasure, by whom to be disposed of.

But

But if a man do recover an Annuity, &c. in the Exchequer against the King, he may have a Writ of Execution directed to the Treasurer and Chamberlain, for which see in *Plowden* 458, 383.

Chancellor of
the Exche-
quer.

In the last-recited Book in *Coke*, it appeareth, that Queen *Elizabeth* in the first year of her Reign, did by her Letters Patents constitute Sir *Walter Mildmay* *Cancellarium Scaccarii sui pro Termino vite sue*. *Nota*, for in these Days the King doth grant this Office onely *dumtaxat beneplacito*.

Exchequer
Seal.

And in *Plowden's* Commentaries it is said, fol. 321. a. That the Exchequer hath a Chancellor and a Seal, and Writs in the Chancery of the Exchequer be more ancient then the Register, or the *Treatise de Prerogativa Regis*. And the Chancellor of the Exchequer was created for the qualifying of Extremities in the Exchequer; He sitteth in the Court with the rest of the Court, and above the Chief Baron, and ordereth things there moved. He is always in Commission with the Lord Treasurer for the Letting of the Lands that came to the Crown by the Dissolution of Abbies, &c.

Chancellor's
Office.

And he hath by Privy Seal from the King power with others to compound for Forfeitures of Bonds, and Forfeitures of Penal Statutes. He hath also much
to

to do in the Revenue of the first Fruits, as by the Statutes (of uniting them to the Crown) appeareth. Dr. *Cowell's* Interpreter, *verbo* Chancery.

Although by the Common Law no Grant of any Land by the King is available or pleadable, but onely under the Great Seal of *England* ; Yet it is adjudged, That such Leases under the Exchequer-Seal are good, [and that by the common usage of the Exchequer,] *Coke's* 2d. Part 16. b. In the End of which Case the Advice of the Reporter is thus : Know, Reader, That of small things and to poor men, Leases have been made under the Exchequer-Seal, as appears by many ancient Presidents before and in the time of King *Edward* the Third, and by infinite Presidents to this day ; And such Leases made according to the said Presidents have been allowed for good ; And there were three Causes of the Commencement of this Usage : First, Multiplicity, that every poor man should not be driven for such infinite Number of Leases to sue to the King for Cottages and other small things, to pass by the King's Seals, the Privy Signet, the Privy Seal, and the Great Seal. Secondly, for Necessity, lest if the poor Subject should be driven to such a tedious Suit, the Land would lye many times without a Tenant

Leases under
the Exche-
quer-Seal.

to the damage of the King. Thirdly, for Impossibility, because oftentimes the Subject should not be able, nor the thing demised is of value to pass the Great Seal. But to you that are rich, my advice is, to pass your Leases under the Great Seal, for this is the sure way.

Offices under the Exchequer-Seal.

And in *Coke's* 5th. Part, fol. 52. *a. b.* Note, what Offices found by Commissioners under the Exchequer-Seals be good, and what not : and see *ibidem*, fol. 56. *b.*

Offices in the Chancellor's gift.

To the Office of Chancellor of the Exchequer appertaineth the Gift of the Office of the Clerk of the Pleas, and of that other Office of the Comptroller of the Pipe, who have their Estates in the Offices for term of their natural Lives.

Lord Chief Baron.

The Lord Chief Baron at this day is the Chief Judge of the Court, and in matter of Law, Information and Pleas answereth the Barr, and giveth order for Judgment thereupon. He alone in the Term-time doth sit upon *Nisi prius* that come out of the King's Remembrancer's Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the Mornings for want of Time. He taketh Recognizances for the King's Debts, for Appearances, and observing of Orders. He taketh the Presentation of all the Officers in Court under himself, and of the Major of London, and

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Book,

of the Major of *Oxford*, and seeth the King's Remembrancer to give them their Oaths. He taketh the Declaration of certain Receivers Accompts of the Lands of the late Augmentation made before him by the Auditors of the Shires. He giveth the two Parcel-makers Places by virtue of his Office.

It hath been seen, that One hath been Justice of the Common Pleas, and Chief Baron of the Exchequer together; As *Brook* in the time of *H. 8.* and *Humfrey Starkey* in the time of *H. 7.* *Dyer* 159. a. One Man Chief Baron and Justice of the Common Pleas simul & se-mel.

See the Statute of 14. *E. 3.* cap. 16. That even in those days the Chief Baron was not always a man of Law: [And see the Statute of 4. *H. 4.* cap. 8. *in fine*, whereby it seemeth, that in those days men Spiritual have been Chief Barons of the Exchequer:] And *Camden* maketh mention, that *William de la Poole* was created a Baron by King *E. 3.* and also made Chief Baron of the Exchequer. And *Bracton*, lib. 3. fol. 116. b. hath these words, *Comites vero vel Barones non amerciandi sunt nisi per Pares suos, &c. Et hoc per Barones de Scaccario vel coram ipso Rege.* And in *Coke's* 8th. Part. 40. a. Chief Baron.

But *Coke* in his Preface to his 10th. Book, fol. 13. a. saith, That none can

Judges to be
Serjeants.

Barons of the
Exchequer
known not
of the Coif.

Chamberlain
of the Exche-
quer.

The King's
Remembran-
cer.

be a Judge either of the Court of King's Bench, or of the Common Pleas, or Chief Baron of the Exchequer, unless he be a Serjeant.

I have known Barons of the Exchequer (that were not of the Coif, and yet had Judicial Places and Voices) remain in the Houses of Court, whereof they were Fellows, and wore the Habit of Apprentices of the Law. *Coke's Preface to his 10th. Part. 13. a.*

The Chamberlain of the Exchequer is a Special Officer, to whom (amongst other) the King doth direct his Privy Seal for the Payment and Delivery of the King's Money. *Plowden's Commentaries, 488, 383.* And the Rule is in *Coke's 9th. Part. 50. a.* when the Office doth concern the Administration of Justice, or the Weal publick, and the Officer *ex Officio*, or of necessity, ought to attend without any request so to do; There *non user* or not-attendance in Court is a Forfeiture: As for example, The Chamberlain of the Exchequer, or such other Officers in other the King's Courts. *Nota*, the Book and the diversity of Officers there at large exemplified.

The King's Remembrancer entreth in his Office all Recognizances taken before the Barons for any the King's Debts, for Appearances, and for observing of Orders.

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ders. He taketh all Bonds for any of the King's Debts, or for Appearance, or for observing of Orders. And maketh Process upon them for Breach of them; He writeth Process against the Collectors of Customs, Subsidies and Fifteens for their Accompts: All * Informations upon Penal Statutes are entred in his Office; And all matters upon English Bills in the Exchequer-Chamber are remaining in his Office. He maketh the Bills of Compositions upon Penal Laws; Taketh the Stallments of Debts; Maketh the Record of a Certificate delivered unto him by the Clerk of the Star-chamber of the Fines there set, and sendeth them to the Pipe. He hath delivered into his Office all manner of Indentures, Fines, and other Evidences whatsoever that concern the assuring of any Lands to the Crown. He yearly in *Craftino Aliarum* readeth in open Court the Statute for Elections of Sheriffs, and giveth those that chuse them their Oath. He readeth in open Court the Oath of all the Officers of the Court when they are admitted.

But this Office, or any such like, cannot be granted for years. *Coke's 9th. Part. 97. b.*

In *Hillary 15. H. 8.* it appeareth, that *R. Blague* was the Remembrancer of the

* Concerning Informations, *nota* in *Coke's 7th. Part. 30. b. & fol. 31. a.* that the Stat. *1. E 6. cap. 1.* for continuance of Actions after the King's death, doth not extend unto Cases where the King is party.

Offices not grantable for years.

King in the Exchequer by Patent *pro Termino vitæ occupando per se vel sufficientem Deputatum*; Which Patent was granted by *H. 7th. Anno 18.* And in *Anno 3. H. 8.* the said Robert Blague was made the third Baron of the Exchequer, and his Patent was there, *Quamdiu se bene gesserit in eodem Officio Baronis*; And he did continue in the Exercise of the said Office of Remembrancer by a Deputy. And in *Anno 7. H. 8.* the King at the request of the said Baron Blague, did grant a Patent of the said Office of Remembrancer unto one *B. Blague* his Son *pro termino vitæ suæ, Habendum immediate cum primum & proximum post mortem dicti R. B. sursumreddat. vel dimissionem, seu aliquo modo quocunque & quandocunque vacari contigerit, & pro eo quod istæ Literæ Patentis fuerint insufficientes & minus valide, eo quod dictus R. B. nullum habuit legalem statum tempore Confectionis earundem, nec aliquo tempore postquam idem R. B. constitutus fuit tertius Baro à Scire facias* did Issue for the King into *Middlesex* to adnull and revoke the last Patent, &c. and upon the *Scire facias* returned, and made default, Judgment was given accordingly. *Dyer 197. b. vide Keilway 186. b.*

And, by the way, see the Case of *Thomas Fanshawe*, late Remembrancer of Queen

Queen Elizabeth, which is * cited in Coke's 10th. Part. 123. b. & fol. 126. a.

The † Treasurer's Remembrancer maketh Process against all Sheriffs, Escheators, Receivers and Bayliffs for their Accompts. He maketh Process of *Fieri facias* and Extents for any Debts due to the King, either in the Pipe, or with the Auditors. He maketh Process for all such Revenue as is due to the King by reason of his Tenures. He maketh a Record whereby it appeareth, whether Sheriffs and other Accomptants pay their Proffers due at *Easter* and *Michaelmas*. He maketh another Record whereby it appeareth, whether Sheriffs and other Accomptants keep their Days of prefixion. All Estreats of Fines, Issues and Amerciaments set in any Court of *Westminster*, or at the Assizes or Sessions, are certified into his Office, and are by him deliver'd to the Clerk of Estreats to write Process upon them. He hath also brought into his Office all the Accompts of Customers, Comptrollers and other Accomptants, to make thereof an Entry upon Record, vide *Fitzherbert's Abridgment*, *titulo Breif*. 649.

And more particularly concerning this Officer, Note the Statute made *Anno 1. Jacobi Regis*, cap. 26. intituled, *An Act for the Continuance and due Observa-*

* There is in this Office the red Book, which treateth most excellently of the ancient Observation and Orders of the Exchequer.

† The Treasurer's Remembrancer.

tion of certain Orders for the Exchequer, first set down and established by virtue of a Privy Seal from the late Queen Elizabeth.

Clerk of the
Pipe.

The Clerk of the Pipe (*Clericus Pipe*) is an Officer in the King's Exchequer; who having all Accompts and Debts due to the King delivered, and drawn down out of the King's Remembrancer's Office, chargeth them down into the great Roll, who also writeth Summons to the Sheriffs to levy the said Debts upon the Goods and Chattels of the Debtors; And if they have no Goods, then doth he draw them down to the Lord Treasurer's Remembrancer to write Extents against their Lands. The ancient Revenue of the Crown remaineth in Charge before him, and he seeth the same answered by the Farmers and Sheriffs to the King. He maketh a Charge to all Sheriffs of their Summons of the Pipe and Green-wax, and seeth it answered upon their Accompts. He hath the drawing and ingrossing of all Leases of the King's Land.

Comptroller
of the Pipe.

Comptroller of the Pipe is an Officer of the Exchequer, who writeth out Summons twice every year to the Sheriffs to levy the Farms and Debts of the Pipe; and also keepeth a Comptrollment of the Pipe.

The

The Auditors of the Exchequer take The Audi-
the Accompts of those Receivers that re- tors.
ceive the Revenues of the Augmentation;
as also of the Sheriffs, Escheators, Col-
lectors and Customers, and set them
down, and perfect them. Reade more
of him in the Statute of 33. H. 8. cap.
39. And see the Statute of *Westminster*,
2. cap. 11. and *Coke's* 10th. Part. 103. a.

Foreign Apposer (*forinfecarum Appo-* Forreign Ap-
sitor) is an Officer in the Exchequer, to poser.
whom all Sheriffs and Bayliffs do repair
by him to be apposed of their Green-
wax, and from thence draweth down a
Charge upon the Sheriff and Bayliff to
the Clerk of the Pipe.

Clerk of the Estreats (*Clericus Extrac-* Clerk of the
torum) is a Clerk belonging to the Ex- Estreats.
chequer, who termly receiveth the E-
streats out of the Lord Treasurer's Re-
membrancer's Office, and writeth them
out to be levied for the King. He also
maketh Schedules of such Summes estrea-
ted as are to be discharged.

Clerk of the Pleas (*Clericus Placito-* Clerk of the
rum) is an Officer in the Exchequer, in Pleas.
whose Office all the Officers of the Court
(upon special Priviledge belonging un-
to them) ought to sue, or to be sued up-
on any Action. Note in *Plowd. Com-*
mentaries, 298.

Marshal

Marshal of
the Exche-
quer.

Marshal of the Exchequer, *Anno 51. H. 3. Stat. 5.* to whom the Court committeth the Custody of the King's Debtors during the Term-time, to the end they may be farther imprisoned if they clear not their Debts. He also assigneth Sheriffs Escheators, Customers and Collectors their Auditors, before whom they shall accompt. He hath all Inquisitions taken before Escheators *virtute Officii*, delivered unto him to be delivered by him to the Treasurer's Remembrancer.

Clerk of the Summons.

The Deputy to the Chamberlain of the Exchequer.

Secondaries in the Office of the King's Remembrancer, two.

Secondaries in the Office of the Lord Treasurer's Remembrancer, two.

Secondaries of the Pipe, two.

Clerks in divers Offices, four.

The Usher of
the Exche-
quer.

The Usher of the Exchequer, *Dyer 203. b.* writeth thus, *Memorandum quod Andreas Billesby in Com. Lincoln. tenet jure hereditar. Officium Hostiarii de Scaccario Dom. Regis cum aliis diversis Officiis ad id spectan. viz. Officiis Hostiariorum & proclamat. in Communi Banco, Marefcallorum Hostiariorum proclamat. & Barriariorum in singulis Itineribus Justic. itinerant. infra Regnum Anglia, & quinque denarios quolibet Die ad Receptum Scaccarii*
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prædict. percipiend. in dicto Officio Hostiarum de Scaccario de Domino Rege per magnam Serjeanciam, ut valet per Annum xx. marcas ultra Repris. Et hoc patet in Recordo Scaccarii de temporibus, Ed. 3. H. 4. H. 6. & Ed. 4.

In the other part of the Exchequer, which is called the Receipt, these are Officers: Two Chamberlains, who were wont to keep a Comptrollment of the Pells of Receipt, and *Exitus*, and keep certain Keys of the Treasure-Coffers, which is not now in use; They keep the Keys of the Treasury, where the Leagues of the King's Predecessors, and divers ancient Books do remain. The original Copy of the Book called *Doomsday* is in the Receipt of the Exchequer, *vide* Sir Edw. Coke's Pref. to the 3d. Part, fol. 3. a. the Book of Tithes, 279. and *Powell's* direction for search of Records.

The Officers of the Receipt.

There is also one Under-Treasurer. This Officer (as some Exchequer-men do think) was first created in the time of King *H. 7.* to Chest up the King's Treasure at the end of every Term, and to note the Content of the Money in each Chest, and to see it carried to the King's Treasury in the Tower, for the ease of the Lord Treasurer, as being a thing too mean for him to be troubled with, and yet meet to be performed by a man of great Secrecy and Trust. He in the vacancy

Under-Treasurer.

cy of the Lord Treasurer's Office, doth all things in the Receipt that the Lord Treasurer doth. He nominateth the Appraisors of all Goods seised, as not custumed, And ordereth, whether the party shall have them at the Price, or not. He appointeth the Steward, Cook and Butler for the Provision of the Star-chamber. But this Officer in other mens Judgments is far more ancient then *H. 7.* his Days, yet named Treasurer of the Exchequer in the Statutes untill Queen *Elizabeth's* time, where he is termed Under-Treasurer of *England*. Nevertheless *An. 35. Eliz.* he is also written Treasurer of the Exchequer. Reade the Statutes *An. 18. E. 3. Stat. 2. cap. 17. & 27. ejusdem Stat. 2. cap. 18. 1 R. 2. cap. 5. 4. H. 4. cap. 18. 8. H. 6. cap. 17. 27. H. 8. cap. 11.* with divers other places that seem to approve this to be true. Queen *Elizabeth* in the first year of her Reign did by her Letters Patents constitute Sir *Richard Sackville Sub-thesaurarium Scaccarii pro termino vite sue.* *Coke's 11th. Part. 9 1. a.* And in *An. 1. Maria,* Mr. *Baker* was Under-Treasurer of the Exchequer. *Plowden 459. a.*

And it is observable, that by the Statute of *7. E. 6. cap. 1.* It is enacted, that no Receivers of the King shall take extortious Fees upon pain of *6 s. 8. d.* for every Penny extorted; But *4 d.* in every Pound

Extortious
Fees.

Pound they may retain by the intent of this Statute, and of a former Statute of 33. *H. 8. cap. 39.* And of this matter you may reade in *Plowden's Commentaries*, 203. *b.* 204. *a.*

In *Coke's* 4th. Part. 72. *b.* is this Case. The Queen *Elizabeth* did make a Lease for years, reserving a Rent payable at Receipt of her Exchequer at *Westminster*, *vel ad manus Ballivorum seu Receptorum*, &c. with the usual Conditions to be void for non-payment of the Rent. And after the Queen did grant over the Reversion to another and his Heirs; And where the Patentee shall demand the Rent, to take advantage of the said Condition was the Question; Upon a special Verdict, *viz.* either at the Receipt, or upon the Land; which you may see there.

Rent where to be demanded upon the King's Lease. Exchequer-Chamber.

There is an Officer called the Auditor of the Receipt of Exchequer, who also is the Lord Treasurer's Clerk, and in the last Capacity is called *Scriptor Talliarum*, and fileth all the Teller's Bills, and maketh an Entry of them, he directs all Warrants from the Lord-Treasurer & Under-Treasurer unto the Tellers, before they pay any Monies, and under him there are several Clerks for Entry of all Letters Patents and Warrants, and for writing upon the Tallies, and for performing the duty of that Office; and he keeps

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Extortious
Fees.

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an account of all Receipts and Payments.

There is also the Clerk of the Pells, who enters all the Teller's Bills into a Book, and upon Rolls, and keeps an account of all Receipts and Payments, and likewise enters all Letters Patents and Warrants, and keeps several Clerks under him.

There are the four Tellers, who receive all the King's money, and afterwards write a Bill in Parchment for the parties acquittance, who pays the money, and casts it down through a Pipe upon the Table into the Court of Receipt, which is writ upon a Tally by the Clerk belonging to the *Scriptor Talliarum*, they also pay out the King's money upon Debentures, and by order from the Lord-Treasurer and Under-Treasurer, which are directed by the Auditor.

There is also two Under-Chamberlains who strike the Tallies after they are writ upon, and then they examine them, and deliver the Stock to the party that paid the money, and cast the foil into a Chest behind them till the Deputy-Chamberlains on the Court-side fetch them away to be kept, to be by them joyned; And they keep the Chamberlains two Keys, and make all the Searches amongst the Records.

There

There is also a Tally-cutter who squares the Tallies and cuts the Summes upon the same.

There is an Usher on the Receipt-side.

There are transmitted into, and now remaining in the four Treasuries belonging to the Receipt of his Majesties Court of Exchequer (commonly called the Tally-Court) under the Custody of the Lord-Treasurer and Chamberlains all the Plea-Rolls and other Records from his Majesties Court of King's Bench before King *Henry* the Sixth's time, and all the Plea-Rolls from his Majesties Court of Common Pleas, before King *Henry* the Eighth's time, and all the *Pedes finium* before King *James* time, and all the old Forrest-Rolls, Assize-Rolls, *Placita Corone & quo Warranto* Rolls. And the ancient original Book called *Dooms-day*, and the black Book, with divers other worthy Records, each door to each Treasury having three Locks, one Key of each door is kept by the *Scriptor Talliarum*; and the other two Keys of each door are kept by the two Under-Chamberlains.

Messenger of the Exchequer is an Officer there; of which sort there be four in that Court, that be Pursevants attending the Lord-Treasurer to carry his Letters and Precepts.

There

There is also in the Exchequer a Court commonly called the Exchequer-Chamber, which according to the ancient course and order of the Law, matters of great weight and difficulty first moved, and depending in the High Court of Chancery, the King's Bench, or the Common Pleas, are adjourned there to be determined and judged by all the Judges of *England*. *Coke's* 7th. Part. 2. *a. Calvin's* Case.

And in *Coke's* said Book, fol. 20. *b.* in *Sir Thomas Cecill's* Case, it was resolved by all the Judges of *England*, That whereas *Sir Thomas Cecill* was sued in the Court of Exchequer for the King for the forfeiture of an Obligation of the Summe of 10000 Marks: That this Court of Exchequer-Chamber may well upon an English Bill (although that the Suit was by Process at the Common Law in the Court of Exchequer before the Barons) make a Decree in the Case according to Reason, or good Conscience, according to the purport of the Statute made 33. *H.* 8. cap. 39. for as to that purpose they are but one Court.

In Cases of Difficulty, and when diversity of Opinion is between the Judges in the King's Bench and the Judges in the Common Pleas. In such Cases for the Honour of the Law, and for the Repose

pose of the Subject, in appealing of such Diversity of Opinion, (*quia nihil in Jure intellerabilius est eandem rem diverso Jure censi*) The Case and Controversie is referred to be adjudged by all the Judges of England in the Exchequer-Chamber. Coke's 4th. Part. 93. *Slade's Case*.

Error committed in this Court shall be reversed in the Exchequer-Chamber before the Chancellor, Treasurer, and the Justices, and they shall call before them the Barons to hear their Informations, and the Causes of their Judgments. 33. E. 3. cap. 12. Stat. primum. And note in 31. Eliz. cap. 1. & 6. H. 7. 15, 16.

Errors in the
Exchequer.

E

Bills,

Bills, Answers, Pleas, Demurrers, and other Pleadings in his Majesty's Court of Exchequer at *Westminster*.

A Bill for discovery of Tithes, whether belonging to a Dissolved Monastery, or not : brought by an Impropiator of a Rectory.

To the Right Honourable Sir *John Ernle*, Knight, Chancellor and Under-Treasurer of His Majesty's Court of Exchequer, *William Mountague* Lord Chief Baron of the said Court, and the rest of the Barons there.

Somersett. Humbly complaineth unto your Lordships your daily Orator *Francis Pawlett* of *Wells*, in the County of *Somerſet*, Esquire, Impropiator or Rector of the Parſonage Improprate or Rectory of *Winſham* in the ſaid County, Debtor and Accomp.

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Bills in the Exchequer.

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Accomptant to His Majesty, as by the Records of this Honourable Court may more fully appear, that your Orator is, and for Fifteen years last past and upwards hath been the true and rightfull Impropriator or Rector of the Parsonage or Rectory of *Winsham*, and thereby is and hath been Instituted to the Tithes of all sorts of Grain, of Wheat, Oats, Barley, Rye, Pease, Beans, Hemp, and other Grain whatsoever in kind happening, growing, belonging, renewing and increasing within the Parish of *Winsham* aforesaid, and Tithable places thereof. And your Orator further sheweth unto your Lordships, that one *Henry Henley* of *Leys*, within the aforesaid Parish of *Winsham*, Esquire, for Twenty years last past hath been, and still is an Inhabitant, Owner, Occupier and Possessor of several Lands lying and being within the said Parish and Tithable places thereof, which have been for the Fifteen years last past sown with Wheat, Oats, Barley, Rye, Hemp, Beans, and other Grains, which the said *Henry Henley* for the said several years last past did Reap, and the same did carry away without the setting out the Tenth thereof, or giving your Orator any recompence or satisfaction for the same, but hath converted the same to his own use, and minding to defraud

your Orator of the said dues, for every and each of the said years hath refused and neglected, and yet doth of obstinacy, and out of ill will to your Orator, refuse and neglect to pay or satisfy your Orator for the same. And the better to colour his fraud and wrong to your Orator in denying your Orator his said Tithes, and to give him any satisfaction for the same. The said *Henry Henley* pretends that the said Lands, or at least some part thereof were formerly belonging to some Dissolved Abbey or Monastery, or some other Religious House, and thereby discharged of payment of Tithes; whereas, in truth, they never did belong to any Abbey, Monastery, or dissolved Religious House, or else are not legally discharged of payment of Tithes, or at least part of the same are not discharged, or ever belonged to any Abby, or other dissolved religious House. But your Orator cannot possibly discover the same, forasmuch as your Orator cannot, by reason of the intermixture, and the undivided possession of the one Lands and the other distinguish them, especially the evidence of the same being in the hands of the said *Henry Henley*. All which dealings tend to the manifest prejudice and damage of your Orator, unless relieved by the aid and assistance of this Honourable Court.

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In tender conderation whereof, and for that your Orator is wholly ignorant of the quantity, quality and value of the said Tithable Matters, the same being taken in and carried away without the privity or knowledge of your Orator, or any notice given him; And that your Orator's Witnesses that can prove the premisses are either beyond the Seas, or in places so remote and unknown to your Orator, that he cannot produce them at any Trial at Law; nor can your Orator possibly discover the truth and certainty of the Premissès, but by the Corporal Oath of the said *Henry Henley*. To the end therefore that the said *Henry Henley* may true and perfect answer make to all and singular the Premissès, and may truly set forth, and discover upon his Oath what Lands he is, and for Fifteen years last past he hath been possessed of in the said Parish of *Winsham*, and may set forth the particular quantities of Wheat, Oats, Barley, Rye, Pease, Beans, Hemp, and other Grain, Corn and Pulse, that he hath had growing upon the Premissès for the said several years of our Lord 1675, &c. last, and the true value of the Tenths thereof, and whether he claims to be discharged of Tithes for any Lands in the said Parish of *Winsham*, and for what Lands in particular, and how and in what

manner ; and whether the Premisses, and what in particular belonged formerly to any Abbey, Monastery, or other dissolved religious House, and of what Order such religious House was, and may set forth the truth of all and singular the Premisses as amply, largely and particularly in every respect, with all the circumstances, as if the same were here particularly interrogated in the prayer of this Bill ; and that your Orator may receive such Relief in the Premisses as may be consistent with equity and good conscience, and is according to the Proceedings of this Honourable Court in Cases of the like nature. May it please your Lordships to grant unto your Orator His Majesty's most Gracious Writ of *Subpoena*, to be directed to the said *Henry Henley*, thereby commanding him at a certain day, and under a certain penalty therein to be limited personally to be and appear before your Lordships in the High and Honourable Court of Exchequer, to answer all and singular the Premisses, and also to stand to and abide such further order, decree and directions as to your Lordships shall seem most meet. And your Orator shall ever pray, &c.

A Bill

A Bill to stay Proceedings at Law, upon a Suit Commenced against the Plaintiff for Rent ; reserved upon a Lease of Tithes in kind, and to have satisfaction for Tithes taken away, and the Lease confirmed.

Drawn by Mr. N. Lechmere.

*Termino Sanctæ Trinitatis Anno Tricesimo
quinto Regni Regis Caroli Secundi.
Octavo die Junii.*

Watts *pro Quer.* Franklyn *pro Def.*

To the Right Honourable Sir John
Earnle, Knight, Chancellor and
Under-Treasurer of His Majesty's
Court of Exchequer at *Westminster* ;
William Mountague, Lord Chief Ba-
ron of the Court ; and to the rest
of the Barons there.

Northumberl^r. **H**umbly complaining,
sheweth unto your
Honours your Orator John Jenkins of
Barnes, in the County Palatine of Dur-
ham, Esquire, Debtor and Accomptant

Bills in the Exchequer.

to His Majesty (as by the Records of this Honourable Court, and otherwise it doth and may appear) That one *Alexander Davison*, Clerk, being Rector of the Parish Church and Rectory of *Ford*, in the County of *Northumberland*, and thereby intituled to the Tithes of Corn, Grain, Hay, and other Tithable things within the said Rectory. And your Orator being Owner of eight Farms and an half, with the Lands and Appurtenances there- to belonging in the Township of *Crook- ham*, and of the Township of *Hatherston*, within the said Rectory, (the said eight Farms and an half being in the occupa- tion of *William Jeffra*, and the Town- ship in the occupation of *John Nosbitt*) your said Orator in the Month of *August*, One thousand six hundred seventy and eight, had Treaty with the said *Robert Davison* (who was then and is still Par- son of the said Rectory) touching your Orator's taking a Lease of him of the Tithes of your Orators, Farms and Townships aforesaid ; And the said *Alexander Davison* upon such treaty affirm- ing to your Orator, that he was then lawfully intituled to the Tithes in kind of the said Farms and Township, and that he had good power to Demise the same for such term, and in such manner as herein after is mentioned. Your Ora-
tor

tor about the time aforesaid came to an agreement with him to take and accept the Lease thereof herein after set forth and mentioned (to wit) The said *Alexander Davison* by his Indenture bearing date on or about the One and twentieth day of *August*, in the year of our Lord One thousand six hundred seventy and eight for divers valuable and good Considerations therein mentioned, did Demise, and to Farm-lett unto your Orator all the Tithes of Corn, Grain, Hay, and other Tithable matters, growing, arising and renewing yearly on the said Farms and Township, and the Lands and Tenements thereto belonging for the term of eleven years. to Commence at Midsummer then last (if the said *Alexander Davison* should so long live, and so long continue Rector there) at and under the yearly Rent of Six and twenty pounds, to be paid by your Orator, his Executors, Administrators and Assigns unto the said *Alexander Davison*, during the continuance of the said Term: The which Rent your Orator thereby covenanted and agreed to pay accordingly; and the said *Alexander Davison* thereupon covenanted and agreed with your Orator, that he the said *Alexander Davison* was then lawfully entituled to the said Tithes in kind, and had good power
to

to lett and dispose of the same ; and that your Orator should quietly enjoy the said Tithes in kind during the said term, or to that effect : which Lease was duely executed by the said *Alexander Davison*, and your Orator at the same time duely executed to the said *Alexander Davison* a Counter-part thereof (as by the said Lease and Counter-part in the hands of the said *Alexander Davison*, or of *Francis Blake*, another Defendant herein after named Relation thereto being had, it doth and may appear.) And your Orator further sheweth, That he having taken such Lease of the said Tithes as aforesaid, your Orator well hoped that he should have quietly enjoyed the same ; and in confidence thereof did provide himself with Horses, Waggon, and other Carriages, and Barns, and other necessaries for the Inning and disposing thereof ; and your Orator in Equity and good Conscience ought to have had and enjoyed, and ought to have and enjoy the said Tithes in kind accordingly. Yet so it is, may it please your Honours, that *Francis Blake* of *Ford Castle*, in the County aforesaid, Esquire ; and the said *Alexander Davison* having entred into a confederacy and combination, together with divers other persons yet unknown to your Orator, (whom
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when discovered, your Orator prays they may be made parties with apt words to charge them) how to defeat your Orator of the said Tithes, and the benefit of his Lease aforesaid. And having got the said Lease and Counter-part into their hands, and your Orator having in the year One thousand six hundred seventy and eight, with the consent of the said *William Jeffra* and *John Nosbitt* set out the said Tithes in kind; and being about to take the same away, The said *Francis Blake* by several of his Servants and Agents, and others employed and authorized by him (as your Orator believes) (to wit) one *Henry Collingwood*, *Simon Gilpatrick*, *Robert Watson*, *William Blaynes*, *Thomas Mills*, *Thomas Bell*, *Oswald Richardson*, *William Burrell*, and several others employed by him, whose Names are unknown to your Orator, (all of them being persons of very mean quality, and not responsible for the value of the Tithes so taken by them) did convey and take away the said Tithes in a violent manner, and by a strong hand, they being all of them armed, and threatened your Orator and his Servants to doe them some mischief or violence (if they should offer to meddle with the said Tithes) whereupon your Orator and his Servants were forced to go away to save them-

themselves and the persons aforesaid, or some of them did carry away the said Tithes by the order and direction of the said *Francis Blake*, as your Orator believes, and the same were carried to his House, or where he directed, and were disposed of by him, or for his use and benefit; And the said *Francis Blake*, by the persons aforesaid, or some of them, or others employed by him, hath in every year since the year One thousand six hundred seventy and eight, taken away and disposed of all the Tithes in kind of the said Farm and Township so lett to your Orator, as aforesaid. But the said *Francis Blake* knowing that your Orator cannot prove that the taking of the said Tithes was by the persons aforesaid, done by his Command, or that the said Tithes so taken came to the use of the said *Francis Blake*; He the said *Francis Blake* doth to your Orator and his Agents disown the taking of the said Tithes, or that they were taken away by his command, or for his use; or that the said *Collingwood* and other persons were employed by him to take the said Tithes; and yet the said *Francis Blake* at other times pretends (as your Orator is informed) that he hath a Lease of the said Tithes from the said *Alexander Davison*, or some grant thereof, or authority to take the same Precedent

dent in time to your Orator's said Lease. Whereas if any such other Lease or Grant was thereof, though the same may be dated before ; yet, in truth, it was not really executed till after the making of your Orator's said Lease, and was obtained by the confederacy aforesaid, purposely to defeat your Orator of the benefit of his said Lease, which is most evidently true ; For that although the said *Francis* was privy to, and acquainted with the treaty your Orator had with the said *Alexander Davison* for taking the said Lease, and well knew, or was informed of your Orator's taking the said Lease, and sealing a Counter-part thereof, whereby your Orator obliged himself to the payment of the said Rent ; yet the said *Francis Blake* did not so much as pretend, nor for a good while after did not acquaint your Orator, that he had or claimed to have any Lease thereof, or interest therein from the said *Alexander Davison*, nor did pretend any Title thereto ; And at other times the said *Francis Blake* being Lord of the said Mannor of *Ford* aforesaid, doth pretend that by ancient custome (time beyond the memory of Man) there hath been paid and payable by the Lord of the Mannor for the time being, to the Rector of *Ford* for the time being, the yearly Summe of
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Forty pounds for and in lieu of all Tithes growing and renewing within the said Mannor ; and that the said Farms and Township being within the said Mannor, are within the said Custome or *Modus* ; and that he having paid such pretended *Modus* to the said *Alexander Davison*, is thereby intituled to the Tithes in kind of the said Farms : Whereas, in truth, as the said Confederates in their Conscience well know or believe there never was any such Custome or *Modus* ; And that if the said Forty pounds hath at any time been paid, it hath been so paid but of late years, and not constantly, and was so paid by vertue of some agreement between the said *Francis* and the said *Alexander Davison*, or some late Rector of the said Rectory ; and there hath been at some times Forty pounds, at other times Fifty pounds, at other times Eighty pounds, and otherwhile One hundred pounds *per Annum*, and more, and other Summes, more or less, paid by the said *Francis Blake*, and other Lords of the Mannor aforesaid, to the Rector for the time being, for and in lieu of Tithes of the said Mannor, as they could agree with the Rector for the same, but never any Custome or *Modus* as is now pretended, although the said *Francis Blake* by his influence and power over the Rector,

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(he being Patron of the Church) might and did, as your Orator hath some reason to believe, constrain the Rector for quietness sake to accept of Forty pounds sometimes, and other times less yearly, for and in lieu of the said Tithes, although the Tithes arising within the said Mannor, are really worth above Two hundred pounds *per Annum*; And the said *Alexander Davison* by some such means as aforesaid hath been constrained or induced to comply with and acquiesce in his the said *Francis Blake's* Pretensions to such *Modus* or Custome as aforesaid, and doth now joyn and confederate with him therein for support of such his pretences against your Orator's interest, aforesaid; And they pretend that Tithes in kind were never paid for any the Lands within the said Mannor, but only such *Modus* as aforesaid. But what the same is in certain, and for what Lands, (*viz.*) whether for the Demesnes of the said Mannors only, or for all the Lands within the said Mannor, they refuse to discover; And the said Confederates have or had in their custody or power, or did or doe know of several Tithing-Books, and other Records, Evidences and Writings concerning the said Mannor and Rectory; whereby it did and doth appear, or was mentioned, that Tithes
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in kind were paid for all the Lands within the said Mannor, but more especially for the Lands lying within the said Township of *Crookham* and *Netherflow*, within which said Township the Farms aforesaid lye; which Books, Evidences and Writings they refuse to produce and discover, and have made away, burnt or suppressed, or cause to be made away, burnt or suppressed divers of the said Books, Evidences and Writings, and made, or caused to be made, great obstructions therein for suppressing the truth of the Premisses. And your Orator further sheweth, That notwithstanding your Orator hath not, since the Commencement of his said Lease, had or enjoyed any of the said Tithes, or had any benefit of his Lease, but a great deal of vexation and trouble, besides the great charges he was at in endeavouring to obtain his Right; yet hath the said *Alexander Davison*, by confederacy with the said *Francis Blake*, the Conscience to sue your Orator for the Rent reserved on the said Lease, and hath Commenced his Actions for the same, and threatens to recover and compell your Orator to pay the whole Arrears thereof; And though he pretends the same is for his own use, yet, in truth, he hath assigned over his Interest in the said Tithes and

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Rent to the said *Francis Blake*, or some in trust for him, or hath made some agreement with him whereby the said *Francis Blake* is to be a sharer with him therein, and for what can be recovered thereupon; and accordingly the said Action is prosecuted at the said Charges of the said *Francis Blake*, or at the joynt charges of the said Confederates, and the said *Francis Blake* is contributory thereunto, and did employ the Attorney who managed the same, and hath given him direction in the management thereof, and paid him, or undertook to pay him his Bills and Charges for the same, the said Confederates being resolved (if they can) to weary out your Orator with vexatious Suits; and for that purpose also they lately exhibited, or caused to be exhibited a Bill against your Orator in this Court in the name of *Ralph Archbold*, *Robert Hampsome*, and others; and also in the names of the said *William JEFFRA* and *Nosbitt*, your Orator's Tenants, (but without their consents) to stop your Orator's proceedings for recovery of the said Tithes or Damages for the same; in which Bill also it is insinuated, as if the said Tithes were taken and detained by the said nominal Plaintiffs in their own Right, although, in truth, the same were so taken away by the order
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and direction of, and did come to the hands, use and disposal of the said *Francis Blake*, as in his conscience he well knoweth; all which the actings of the said Confederates are contrary to equity and good conscience. In tender consideration whereof, and forasmuch as your Orator cannot otherwise discover the particulars and values of the said Tithes so taken away as aforesaid, and have satisfaction for the same, nor can otherwise discover and be relieved against the fraudulent acts and dealings aforesaid, save by the Oaths of the said Confederates and the Aid of this Court; and the rather, for that your Orator's Witnesses, who could have proved the Premises, are either dead or gone into remote parts, unknown to your Orator. And forasmuch as it is highly unjust, and against all Right and Equity, that your Orator should pay the said Rent; whereas he had not nor could not enjoy the said Tithes for what the same was reserved, or any part thereof, but the same were taken away by the said Confederates themselves in such manner as aforesaid. To the end therefore, that the said *Francis Blake*, *Alexander Davison*, and the rest of the Confederates, when discovered, may on their Corporal Oaths set forth and discover the truth of all and
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singular the Premisses; and more particularly, that the said *Francis Blake* and his Confederates may set forth, whether the said Tithes were not taken away in the several years aforesaid by the order and direction of the said *Francis Blake*, and for his use; and whether the same, or the proceed thereof, or what part thereof did come to his hands or use; and what were the full particulars, and full and true value of all the said Tithes and Tithable matters in the several years aforesaid, and that your Orator may be relieved against the pretended Title of the said *Francis Blake* to the said Tithes, and may have his Lease confirmed; And that the said *Francis Blake* and *Alexander Davison* may fully and particularly answer all the rest of the Premisses, and the several circumstances thereof, as if the same had been here repeated, and particularly interrogated, and that your Orator may have such farther relief in the Premisses as shall be agreeable to right, equity and good conscience. May it please your Honours, the Premisses considered, to grant to your Orator his Majesty's most Gracious Writ or Writs of *Subpœna* under the Seal of this Honourable Court, to be directed to the said *Francis Blake* and *Alexander Davison*, and the rest of the Confederates,

Bills in the Exchequer.

when discovered, thereby commanding them, and every of them, at a certain day, and under a certain pain therein, to be limited personally to be and appear before your Honours in this High and Honourable Court of Exchequer-Chamber at *Westminster*, and then and there true and perfect answer make to all and singular the Premises, and farther to stand to and abide such order and direction herein as to your Honours shall seem meet, and also the Injunction of this Court to stay the said Proceedings at Law till the said Matters shall be determined; And your Orator shall ever pray, &c.

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ORDERS of COURT.

ORDER I.

To shew cause why one of the Defendant's Witnesses Depositions should not be suppressed.

Ex parte Remem'at' Regis.

*Termino Sancti Michaelis Anno Secundo
Regni Regis Jacobi Secundi,
Veneris 19. die Novembris.*

*Inter Johannem Jenkins Arm' Quer' &
Francum' Blake Arm' & al' Defend.
Per Billam Anglicanam.*

Dunelm' **T**He Court being this day informed by Mr. Jenner of Counsel with the Plaintiff, That the Defendants have Examined one *Susan Salkeld* a Witness for them in these Causes, but gave no notice of such Examination to the Plaintiff or his Attorney in Court; He therefore prayed that her Examination may be suppressed. It is this day Ordered by this Court, That the said Defendant do shew cause to morrow why the said *Salkeld's* Depositions should not be suppressed. *Per Mand. D. Rem. Regis.*

Watts pro Quer'

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ORDER II.

That the Witnesses Depositions in the first Order shall stand.

Ex parte Remem'at' Regis.

*Termino Sancti Michaelis Anno Secundo
Regni Regis Jacobi Secundi Sabbati
20. die Novembris.*

*Inter Johannem Jenkins Arm' Quer' &
Francum' Blake Arm' & al' Defend.*

Per Billam Anglicanam.

Northumb' **U**Pon the Motion of Mr. *Dormer*, of Counsel with the Defendant, and hearing Mr. *Bridges* of Counsel with the Plaintiff; It is this day Ordered by the Court, That the Depositions of Mrs. *Salkeld* taken in this Cause do stand; And that the said Mrs. *Salkeld* do attend this Court at the Hearing of this Cause.

Per Mand. D. Rem. Regis.

Carter pro Defend.

OR-

ORDER III.

That the Defendants have liberty to prove Exhibits at the Hearing of the Cause ; and the Plaintiff have the like liberty.

Ex parte Remem'at' Regis.

*Termino Sancti Michaelis Anno Secundo
Regni Regis Jacobi Secundi Mercurii
23. die Novembris.*

*Inter Johannem Jenkins Arm' Quer' &
Francum' Blake Arm' & al' Defend.*

Per Billam Anglicanam.

Northumb' **U**Pon the Motion of Mr. *Brown*, of Counsel with the Defendant ; It is this day Ordered by this Court, That the said Defendants have liberty to prove Exhibits at the Hearing of this Cause ; Giving a Note thereof to the Plaintiff's Attorney in Court before the Hearing. And that the Plaintiff have the like liberty.

Per Mand. D. Rem. Regis.

Carter pro Defend.

Orders of Court.

ORDER II.

That the Witnesses Depositions in the first Order shall stand.

Ex parte Remem'at' Regis.

*Termino Sancti Michaelis Anno Secundo
Regni Regis Jacobi Secundi Sabbati
20. die Novembris.*

*Inter Johannem Jenkins Arm' Quer' &
Francum Blake Arm' & al' Defend.*

Per Billam Anglicanam.

Northumb' **U**Pon the Motion of Mr. *Dormer*, of Counsel with the Defendant, and hearing Mr. *Bridges* of Counsel with the Plaintiff; It is this day Ordered by the Court, That the Depositions of Mrs. *Salkeld* taken in this Cause do stand; And that the said Mrs. *Salkeld* do attend this Court at the Hearing of this Cause.

Per Mand. D. Rem. Regis.

Carter pro Defend.

OR-

ORDER III.

That the Defendants have liberty to prove Exhibits at the Hearing of the Cause ; and the Plaintiff have the like liberty.

Ex parte Remem'at' Regis.

*Termino Sancti Michaelis Anno Secundo
Regni Regis Jacobi Secundi Mercurii
23. die Novembris.*

*Inter Johannem Jenkins Arm' Quer' &
Francum' Blake Arm' & al' Defend.*

Per Billam Anglicanam.

Northumb' **U**Pon the Motion of Mr. *Brown*, of Counsel with the Defendant ; It is this day Ordered by this Court, That the said Defendants have liberty to prove Exhibits at the Hearing of this Cause ; Giving a Note thereof to the Plaintiff's Attorney in Court before the Hearing. And that the Plaintiff have the like liberty.

Per Mand. D. Rem. Regis.

Carter pro Defend.

A Bill brought by the Members of the Canary-Company after they were dissolved, to have a Lease of a House and Garden (for which they paid Five hundred pounds Fine to the Defendant) confirmed to them as private persons for the residue of the term of 21 years, reserved in the Indenture. But in regard the Dissolution of the said Company was pleaded, they could have no relief.

Drawn and perused by Mr. Serjeant Maynard, Mr. Serjeant Fountaine, Mr. Peck, Mr. Barrey.

To the Right Honourable, &c.

London. **I**N all humble manner complaining, shew unto your Honours, your Orators, Sir *Arthur Ingram*, Knight, *John Turner*, Sir *Thomas Bonfoy*, Knight, *Nicholas Warren*, *William Throgmorton*, *Henry Negus*, *Robert Bevin*, *John Webber*, *Rowland Ingram*, *Philip Jegowe*, *John Page*, *Robert Knighley*, *Marmaduke Rawdon the elder*, *Joseph Child*, *William Lant*, *Christopher Boene*, *Samuel Ward*,
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Leonard Buckner, Charles Dobell, Francis Willington, Thomas Britton, Thomas Henchman, William Warren, Richard Ingram, Nathaniel Luddington, Edward Wigge, William Finch, Ralph Standish, Thomas Leigh, Nathaniel Newdegate, Richard Ely, Richard Kinge, Esquire, Henry Dimster, Esquire, William Bellamy, Robert Britton, William Jaques, William Bulkeley, Thomas Canham, Matthew Batcheller, William Martin, Sir Richard Ryves, Knight, Arnold Beake, Peter Matthews, John James, John Newton, John South, John Cooke, Henry Hawley, Clare Talbott, Edmund Cowes, William Burridge, Edward Crispe, Thomas Bennett and Cornelius van Bonnell, the late Governour and Company of Merchants trading to the Canary-Islands. Whereas our Sovereign Lord King Charles the Second by his Letters Patents under the Greal Seal of England, bearing date at Westminster the Seventeenth day of March, in the Seventeenth year of his Reign was graciously pleased to create, erect, declare, make, ordain, constitute, establish, confirm and appoint your Orators and one Robert Peirson, deceased, to be a body Corporate and Politique in Deed and in Name, in the Name of the Governour and Company of Merchants trading to the Canary-Islands, and in and by the said

saïd Letters Patents did give and grant, or mentioned to give or grant unto your Orators, by the Name of the Governour and Company of Merchants trading to the *Canary* Islands, and to their Successors for ever, divers Liberties, Priviledges, Franchises, Powers, Authorities and Preheminences in the saïd Letters Patents mentioned. By virtue whereof your Orators being thereby Created to be a Body Politique and Corporate, were thereby also impowered to purchase Lands and Tenements, or to take Grants to the saïd Governour and Company, and their Successors of Lands and Tenements, and to enjoy the same so long as the saïd Corporation continued, and was not dissolved. And whereas shortly afterwards Sir *Thomas Chamberlaine* of *London*, Knight, for and in consideration of the Summe of Five hundred pounds, paid unto him by your Orators, under the notion, and by the name of the Governour and Company of Merchants trading to the *Canary*-Islands, and of the yearly Rent, and Covenants, and Agreements in and by his Indenture of Lease, bearing date the Tenth day of *July*, in the saïd Seventeenth year of the Reign of his saïd Majesty, *Annoq; Dom. 1665*, reserved and contained, did thereby Demise, Grant, and to Farm-lett unto
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your Orators under the notion, and by the name of the Governour and Company of Merchants trading to the *Canary-Islands*, and to their Successors and Assigns, all that Capital Messuage or Tenement, commonly called, or known by the name of the *Green-Gate*, with the Garden and Banqueting-house thereunto belonging, scituated, lying and being in *Leaden-ball-street*, in the Parish of *St. Andrew Undershaft, London*, the then and late dwelling-house of the said Sir *Thomas Chamberlaine*, and all Shops, Cellars, Chambers, Rooms, Yards, Lights, Easements, Water-courses and Appurtenances whatsoever to the said Capital Messuage or Tenement, and Garden belonging or appertaining, together with all such Wainscoat, Utensils, Implements, and other things as are mentioned, and expressed in a Schedule indented thereunto annexed, To have and to hold the said Premisses unto the said Governour and Company of Merchants trading to the *Canary-Islands*, their Successors and Assigns, from the Feast-day of the Nativity of *St. John the Baptist* last past, before the date thereof, untill the full end and term of One and twenty years from thence next ensuing, and fully to be compleated and ended. Yielding and paying therefore yearly, during the said term,

term, unto the said Sir *Thomas Chamberlaine*, his Heirs and Assigns, Fourscore and ten pounds of lawfull Money of *England* at the four most usual Feasts, Days or Terms of the year hereafter mentioned (that is to say) the Feast of Saint *Michael* the Arch-angel, the Birth of our Lord God, the Annunciation of our Blessed Virgin *Mary*, and the Nativity of Saint *John* the Baptist by even and equal portions; And the said Governour and Company did thereby covenant for themselves, and their Successors and Assigns to pay the said yearly Rent at the said four Feast-days, or within fourteen days at the farthest next ensuing, after every the said four Feast-days, and well and sufficiently to repair the House, and to leave and yield up the same well and sufficiently, repaired, supported, sustained, maintained and amended at the end or other determination of the said term to the said Sir *Thomas Chamberlaine*, his Heirs or Assigns; And that the said Sir *Thomas Chamberlaine*, his Heirs and Assigns, with their Workmen and Agents should have free liberty, at convenient times, to enter into the Premisses to view the defaults and lack in reparation and upon notice thereof in writing given to the said Governour and Company, or their Successors, they were from time

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to time within Six months after such notice to repair and amend the same. And in the said recited Indenture there is a Proviso for the said Sir *Thomas Chamberlaine* his Heirs and Assigns, to re-enter in case the said Rent, or any part thereof was behind by the space of Fourteen days next after the said days of payment, and a Covenant from the said Sir *Thomas Chamberlaine* for the said Governour and Company, and their Successors and Assigns, for quiet enjoyment of the said demised Premisses under the said yearly Rent, Covenants and Agreements in the said Indenture contained on their parts and behalf, to be paid, kept and performed. As in and by the said recited Indenture; whereto relation being had more fully, and at large, it doth and may appear. By vertue of which said Lease, the said Governour and Company entred into the said Demised Capital Messuage and Premisses, and became possessed thereof for the said term of One and twenty years, and the Rent reserved by the said Lease hath ever since been paid to the said Sir *Thomas Chamberlaine*, as the same hath grown due to be paid by your Orators, as well since the said Corporation was dissolved, as whilst it continued. And your Orators further shew unto your Honours, that a Question ariseth
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in the State concerning the Legality of the said Patent; for quieting thereof, and for other Reasons best known to Authority, they were required and enjoined in or about the Month of *September* last past to surrender the said Letters Patents; In obedience to which Authority, and according to their duty, they did so accordingly, and thereupon the same were cancelled, whereby they ceasing to be a Corporation, the said Lease is, as they are advised, in strictness of Law determined: But nevertheless, in regard your Orators being the persons that were then Governours and Company, constituting the said Corporation, (who advanced the said Summe of Five hundred pounds, and have since paid the said Rent) are continuing, they hoped the said *Sir Thomas Chamberlaine* would have permitted them to have enjoyed the said Messuage and Premisses for the remainder of the said term of One and twenty years, they paying the said Rent, and performing the said Covenants in the said Lease contained, and in that confidence they have paid to the said *Sir Thomas Chamberlaine* three quarters Rent since the surrender and cancelling of the said Patent and Charter (that is to say) the Rents due at *Michaelmas*, *Christmas*, and *Lady-day* last past, whereof the said *Sir Thomas Chamber-*

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Chamberlaine accepted. But now so it is, may it please your Honours, that albeit the said Sir *Thomas Chamberlaine* hath had and received so great a Summe of money for a Fine, as aforesaid, and hath received all his Rent growing due untill and for the quarter last past, as aforesaid; yet taking advantage of the surrender and cancelling of the said Patent and Charter of Incorporation, he doth endeavour to Eviēt your Orators out of the possession of the Premisses, and for that purpose in *Easter-Term* last past delivered a Declaration in an Ejectment in the Court of King's Bench at *Westminster*, in the name of one *Edward Smith* as his Lessee, against one *Timothy Hemsley*, an Ejector of their own making, whereby your Orators will, according to the usual course, be inforced to become Defendants to the said Action, to defend the Title, or otherwise the said Sir *Thomas Chamberlaine*, in the name of the said *Smith* as Lessee, to him will obtain and recover a Judgment for the said Messuage and Premisses against their said Ejector, and thereby turn your Orators out of the possession of the Premisses, and your Orators will thereby lose the said Fine paid by them, in the name of the said Governor and Company, and the benefit of the said Lease, which is contrary to
Justice

Justice and Equity, and tendeth to the great loss and damage of your Orators. In tender consideration whereof, and forasmuch as your Orators cannot defend themselves against the said Action at the Common Law ; yet nevertheless your Orators being the persons that constituted the Corporation or Body-politique, and that disbursed the said Fine for their obtaining such Lease, they ought in Equity, and by the rules thereof, to have the benefit of the said Lease, and ought not to be deprived thereof ; but the said Sir *Thomas Chamberlaine* ought to permit and suffer them to enjoy the said Premises for and during the remainder of the said term of One and twenty years, or otherwise to make unto them a new Lease thereof for the residue and remainder of the said term, reserving such Rents and Covenants as in the said recited Lease are before mentioned, to be contained and expressed ; To the end therefore, that the said Suit at Law brought for the Eviction of your Orators out of the possession of the said Messuage and Premises, may be stayed by Injunction of this Honourable Court and the said Capital Messuage and Premises may be decreed to your Orators to be held and enjoyed by them for the residue of the said term of One and twenty years
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Bills in the Exchequer.

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under such Rent and Covenants as afore-
said, or otherwise the said Sir *Thomas*
Chamberlaine may be decreed to make your
Orators a new Lease of the said Capital
Messuage and Premisses for the residue of
the said term of One and twenty years
under such Rent and Covenants; And that
the said Sir *Thomas Chamberlaine* and *Ed-*
ward Smith may answer all and singular
the Premisses, that so your Orators may
be relieved therein according to Justice
and Equity. May it therefore please
your Honours, the Premisses considered,
to grant unto your Orators his Majesty's
most Gracious Writ of *Subpœna*, to be di-
rected to them the said Sir *Thomas Cham-*
berlaine and *Edward Smith*, thereby com-
manding them, and every of them, at a
certain day, and under a certain pain
therein to be limited, personally to be
and appear before your Honours in the
High Court of Exchequer, then and there
to answer all and every the Premisses, and
further to stand to and abide such further
order therein as to your Honours shall
seem meet; And your Orators shall dai-
ly pray, &c.

Maynard.

Jo. Fountaine.

Edw. Pecke.

Jo. Barry.

G

A Bill

A Bill brought to discover Affetts.

Drawn by Mr. *Hopton Shuter.*

To the Right Honourable Sir *John Erle*, Knight, Chancellor and Under-Treasurer of His Majesty's Court of Exchequer at *Westminster*, *William Mountague* Lord Chief Baron of the same Court; And to the rest of the Barons there.

Middl' Humbly complaining, sheweth unto your Honours your Orator *Ralph Clarke* of *South-Mymes* in the County of *Middlesex*, Yeoman. That whereas heretofore (that is to say) in or about the year of our Lord God One thousand six hundred fifty and nine *John Clarke*, your Orator's Father, did make and ordain his last Will and Testament in writing, and thereby (amongst other things) did give, devise and bequeath unto *Christopher Clarke*, your Orator's Brother, the Summe of One hundred pounds of lawfull money of *England*, to be paid within twelve months after his decease; And of such his last Will and Testament, he the said *John Clarke*

Clarke did make and ordain your Orator his Executor, and shortly after departed this life (as by the said Will, relation being thereunto had, may appear) the which your Orator in due form of Law proved, and took upon him the execution thereof. And your Orator further sheweth unto your Honours, That the said *Christopher Clarke*, your Orator's Brother, at the time of the death of the said *John Clarke* the Father, being in possession of a certain Farm called *Hawkeshead*, scituated in *North-Mymms*, in the County of *Hertford*. (the which after the decease of him the said *John Clarke* descended upon your Orator) he the said *Christopher* requested to continue Tenant thereof under your Orator at the Rent of Thirty pounds *per annum*, (the which the said Farm was really worth, and better) And thereupon your Orator, as well to gratifie his said Brother, rather than another, as also for and towards satisfaction of the aforesaid Legacy of One hundred pounds to him the said *Christopher*, due by Will of his and your Orator's said Father, as aforesaid, did permit and suffer the said *Christopher Clarke* quietly to enjoy the said Farm for and by the space of Seven years at the least, at the said Rent of Thirty pounds *per annum* upon an agreement with him for

that purpose, made by your Orator ; out of which Rent the said *Christopher* was by the said agreement to deduct his said Legacy of One hundred pounds ; But your Orator did never receive the said yearly Rent of Thirty pounds, or any part thereof, of or from the said *Christopher Clarke*, your Orator's Brother, or of or from any person whatsoever for him, notwithstanding he enjoyed the same from the time of the said agreement untill about *January*, in the Year of our Lord One thousand six hundred sixty and three, being by the space of Seven years and upwards ; so that the Rent of the said Farm, at the time of his the said *Christopher's* death, amounted unto the Summe of Ninety pounds at the least, (the Legacy of One hundred pounds aforesaid to him bequeathed, and payable by your Orator as aforesaid, being out of the said Rent incurred, in the first place deducted.) And your Orator further sheweth unto your Honours, That the said *Christopher Clarke* in or about the Year of our Lord God, One thousand six hundred sixty and three, being desirous to part with or leave the said Farm, and to take a greater Farm ; and being acquainted with one *John Bareleggs*, of the Parish of *Hatfield*, in the County of *Hertford*, Yeoman, (whose Daughter the said

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Christopher married) of a certain Farm then to be taken in *Hatfield* aforesaid, called *Hatfield New-Park* (being parcel of the Inheritance, Possession or Revenues of *William* late Earl of *Salisbury*, since deceased) they the said *John Bareleggs* and *Caristopher Clarke* did repair unto your Orator and acquaint him therewith, alledging how convenient the same would be for him the said *Christopher Clarke*, and what a good pennyworth it was withall, not only requesting, but importuning your Orator to joyn with them in taking the said Lease, pretending the said Earl of *Salisbury* refused to grant the said Lease, unless your Orator would joyn with them as Lessees therein. Whereupon your Orator further wishing the good of his Brother, did in the end consent to joyn with them in the same, upon the faithfull promise and undertaking of the said *Christopher Clarke*; And the said *John Bareleggs*, that your Orator should not in the least be damnified thereby, and that he should not need to meddle therewith, or to take any possession thereof, but solely to leave the management and holding thereof to them the said *John Bareleggs* and *Christopher Clarke*; And also that your Orator should be protected and saved harmless of and from the Rent and Covenants, and all o-

ther things contained or mentioned, or to be mentioned or contained in the said Lease, or any other ways relating to the said Farm, which was agreed unto by them the said *John Bareleggs* and *Christopher Clarke*; And the said *John Bareleggs* did agree and promise to give your Orator a Bond of Five hundred pounds to save him harmless from the same accordingly, which Bond was written and tendred to him the said *John Bareleggs* to Seal. Whereupon the said Right Honourable *William Earl of Salisbury*, by his Indenture of Lease, bearing date in or about the Eighth day of *August*, in the Fifteenth year of the Reign of his Majesty that now is, made between himself of the one part, and the said *John Bareleggs* and your Orator, and his said Brother, of the other part; For the consideration therein mentioned, did demise, grant, and to Farm-lett unto the said *John Bareleggs* your Orator, and his said Brother, all that Capital Messuage or Tenement, with the Appurtenances, called *Hatfield New-Parke*, in the County of *Hertsford*, and all Barns, Stables, Out-houses and Buildings thereunto belonging, and all the Park or new-inclosed Ground in *Hatfield* aforesaid, called *Hatfield New-Park*, together with the Lodge in the said Park or new-inclosed Ground.

and

and all that Close of Ground called *Wood-fields*, containing about Two and thirty Acres ; and all that parcel of Land called the *Mote*, containing three Roods ; and all that Close of Ground called *Cuckew-Croft*, containing half an Acre. All which Premisses were late in the Possession of Sir *Robert Ferne*, Knight, together with all the Ways and Passages thereunto belonging (except as in the said recited Indenture of Lease is excepted) to have and to hold the said Messuage, Lands, and other the Premisses, demised as aforesaid, unto the said *John Bareleggs* and your Orator, and the said *Christopher Clarke* his Brother, their Executors, Administrators, and Assigns, from the Feast-day of Saint *Michael* the Arch-angel, which should then be in the Year of our Lord One thousand six hundred sixty and four, unto the full end and term of One and twenty years, at and under the yearly Rent of One hundred thirty and seven pounds of lawfull money of *England*, payable half yearly by due and equal portions as therein is mentioned, with Covenants, Provisoos and Agreements in the said recited Indenture of Lease, contained on the Lessees part, to be done and performed (as in and by the said Indenture of Lease (amongst many other things contained) if your Orator had the same

to produce more at large, it would and might appear) The which said recited Indenture of Lease under the Hand and Seal of him the said *William Earl of Salisbury*, immediately after the executing thereof, was taken by him the said *John Bareleggs* and *Christopher Clarke*, or one of them, into their or one of their Possession or Possessions, and hath been by them, or one of them, ever since kept; And your Orator never intermeddled with, or entred in any part of the Premises, or took any part of the Rents, Issues or Profits thereof. But the same hath been wholly enjoyed by them, the said *John Bareleggs* and *Christopher Clarke* by agreement between themselves (that is to say) two parts thereof in three to be divided by him the said *Christopher Clarke* during his life, and the other third part thereof by him the said *John Bareleggs*. And since the death of the said *Christopher Clarke* the said *John Bareleggs* hath totally possessed himself of the said demised Lands and Premises, and enjoyed, and yet doth enjoy the same, and receive and take the Rents, Issues and Profits thereof to his own use, being of much better and greater yearly value then the said Rent reserved thereupon. And your Orator further sheweth unto your Honours, That the said *Christopher Clarke*

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Clarke his Brother wanting Money, and being otherwise necessitated in the World, did often repair unto your Orator, and desire his assistance, which your Orator in a brotherly manner often extended, and at his request, and for his Debt, became bound with him, and for his use, in divers Summes of money; And more particularly, your Orator in or about the Month of *November*, in the Year of our Lord God, One thousand six hundred sixty and nine, upon the importunity of him the said *Christopher Clarke*, and for his proper debt did become bound unto one *Mary Horwood* of *Coney*, in the said County of *Hertford*, Widow, in the Summe of One hundred pounds of lawfull money of *England*, with Condition there under-written, or thereupon indorsed for the payment of the Summe of Fifty pounds with Interest at some day then to come, and now long since past, (as by the said Bond might more at large appear, if your Orator had the same to produce.) From which Engagement and Suretiship the said *Christopher Clarke* did several times promise and engage to save him your Orator harmless, as in Equity and Conscience he ought to have done. Sithence which your Orator hath paid for several years the Interest of the said Summe of Fifty pounds, the Summe of
Twenty

Twenty pounds, and upwards, and is in danger to pay the said Principal money with Costs and Damages, unless remedied therein by this Honourable Court. And your Orator further sheweth unto your Honours, That the said *Christopher Clarke*, your Orator's Brother, in or about the Month of *April*, in the Year of our Lord God, One thousand six hundred and seventy, departed this life Intestate; And the said *John Bareleggs* (his Father-in-law) soon after took out Letters of Administration of his Personal Estate, and by virtue thereof possessed himself of all and singular the Goods and Chattels, Rights, Debts and Credits, late of him the said *Christopher Clarke*, which were appraised at the Summe of Five hundred eighty and four pounds fifteen shillings, but, in truth, are of far greater value, the said Estate being concealed and imbezled by him the said *John Bareleggs*, or by some other person or persons by or with his knowledge, privacy or consent; Whereupon he doth sometimes pretend and give out in Speeches, That he hath no Assests of the Intestate's Estate, wherewith he the said *John Bareleggs* ought to satisfie your Orator what he is or may be out, and suffer any ways by the Suretiship aforesaid by Damages or otherwise. But now so it is,

is, may it please your Honours, that albeit the said *John Bareleggs* is privy to all and every the matters and things aforesaid, and the same are to him well known ; As also that the said *Christopher Clarke*, not long before his death, did in the presence of the said *John Bareleggs*, to your Orator declare, that he should not suffer by his Suretiship or Engagements for the said *Christopher*, either in respect of the said Lease or Bond aforesaid, or otherwise howsoever, but should be discharged of his said Suretiship and Engagements aforesaid ; As also that he the said *Christopher* was satisfied the aforesaid Legacy of One hundred pounds with a great over-plus, as aforesaid, and he did discharge your Orator of the said Legacy ; yet the said *John Bareleggs* doth refuse to discharge your Orator thereof, and to re-imburse your Orator out of the Personal Estate, late of the said *Christopher Clarke*, what he is out upon the Suretiship aforesaid, or may suffer thereby contrary to the true intent and meaning of the said Intestate, and of his Declaration aforesaid ; As also the said *John Bareleggs* doth refuse to discharge your Orator from the said Tenantship aforesaid, or to give him a Bond of Five hundred pounds to save him harmless in respect thereof, as he agreed and

Bills in the Exchequer.

and promised to doe, a Counterbond being made and written for that purpose, and tendred to him the said *John Bareleggs* to seal; So that your Orator is lyable at the will and pleasure of him the said *John Bareleggs*, to have the said Rent sung upon him, and to be sued by the said Earl of *Salisbury* for the same, in case the said *Bareleggs* shall fail duly to pay the said Rent. In tender consideration whereof, and for that your Orator cannot bring any Action at Law against the said *John Bareleggs* upon his said promise or agreement, for that the same was made in private, or before such Witnesses, who are either dead, or in remote parts beyond the Seas, so that your Orator cannot have them at any Trial to be had in any Action to be brought for the same; Nor can your Orator discover at Law the Personal Estate of the said *Christopher Clarke*, or any other the Premises aforesaid, whereby to gain satisfaction for the Monies due unto him, as aforesaid, from the said *Christopher*, and which your Orator hath paid for his debt, as aforesaid, but in every of them is only relievable before your Honours in Equity. To the end therefore, that the said *John Bareleggs* may upon his Corporal Oath set forth and declare, whether he were not privy unto

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all and every the Transactions aforesaid, between your Orator and the said *Christopher Clarke* his Brother ; Particularly, whether the said *Christopher Clarke* did not for the time before for that purpose set forth, hold and enjoy the said Farm called *Hawkes-head* under your Orator ; and that as well out of the said Rent of Thirty pounds *per annum*, which he ought to have paid for the same, he was to deduct, and to acquit and discharge the said Legacy of One hundred pounds, as afterwards, to account for the remainder and over-plus of the said Rent of Thirty pounds *per annum* (the said Legacy being paid and satisfied.) And to the end he the said *John Bareleggs* his Administrator may do the same, and satisfy your Orator out of the said Intestate's Estate the said over-plus ; And also that he may in like manner set forth, whether your Orator was not to his knowledge, or, as he hath heard, bound to the said *Mary Horwood* for the proper debt of the said Intestate (as before is set forth.) And whether he the said *Christopher Clarke* did not long before his death, in the presence of him the said *John Bareleggs*, publish and declare his mind to be, That your Orator was and should be acquitted of the aforesaid Legacy of One hundred pounds, and

and paid the remainder of the aforesaid Rent; as also saved harmless from the aforesaid Suretiship for him. And to that end, that he the said *John Bareleggs* may set forth of what Estate the said *Christopher Clarke* dyed possessed, or was any ways interessed in, and wherein the same did consist, together with the true and distinct values thereof; what of the said Estate hath come to his hands, or is any ways to him known; or that he hath any ways altered the property of; and what Debts of the said Intestate he hath really and *bona fide* paid to any person or persons whatsoever; and to whom by name; and upon what Securities, and Contracts, or Agreements really and *bona fide* made. And to the end the said *John Bareleggs* may also upon his Oath set forth and declare, whether your Orator did not consent to be Lessee with them in their aforesaid Lease upon and under the Conditions and Terms before set forth and declared, and upon such promises and Agreements as is before mentioned, touching the same. And whether he the said *John Bareleggs* did not, as aforesaid, promise to give your Orator a Bond of Five hundred pounds to save your Orator harmless from the Rent and Covenants contained in the said Lease,

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Lease, and from all other things incident to the Joyntenantship aforesaid. And whether there were not a Counterbond drawn accordingly, and tendred him the said *John Bareleggs* to Seal; and why he refused to Seal the same. And to the end he may be compelled to give and make to your Orator such Bond, or may otherwise protect and indemnifie your Orator in all things concerning the Joyntenantship and Lease; And may set forth whether he hath not ever since the death of the said *Christopher*, received and taken the whole Rents and Profits of the said Leased premisses. And that your Orator may be acquitted and discharged of the said Legacy of One hundred pounds, and satisfied the remainder of the aforesaid Rent of the Farm by him the said *Christopher Clarke* held and enjoyed. As also that your Orator may be reimbursed what he is already out, or that he may any ways suffer by reason of the Suretiship aforesaid. And that he may be satisfied and indemnified therein out of the Personal Estate, late of him the said *Christopher Clarke*, by him the said *John Bareleggs* his Administrator, enjoyed and received. And to the end he the said *John Bareleggs* may true Answer make to all and singular other the Premisses aforesaid; And that your Orator may be relieved

Bills in the Exchequer.

relieved therein according to Equity and good Conscience. May it please your Honours, the Premisses considered, to grant unto your Orator his Majesty's most Gracious Writ or Writs of *Subpoena* under the Seal of this Honourable Court, to be directed to the said *John Bareleggs*; thereby commanding him at a certain day, and under a certain pain, to be and appear before your Honours in this High and Honourable Court of Exchequer-Chamber at *Westminster*; And then and there true and perfect Answer make to all and singular the Premisses; And further, to stand to and abide such further and other Orders and Directions therein as to your Honours shall seem meet; And your Orator shall ever pray, &c.

Hopton Shuter.

A Bill

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A Bill to prove a Will, executed according to the Act 29. C. 2. for prevention of Frauds and Perjuries.

Perused and Signed by Mr. *Bedinfield*, afterwards Lord Chief Justice of the Court of Common-Pleas.

To the Right Honourable, &c.

Dorset. Humbly complaining, sheweth unto your Honour your Orator *Rebecca Summers* of *Blandford-forum* in the County of *Dorset*, Widow, *John Summers* of *London*, Merchant, and *Samuel Summers* of *Blandford* afore-said, Mercer, Sons of the said *Rebecca* by *Richard Summers* her Husband, late of *Blandford* afore-said, Maltster, deceased, That whereas the said *Richard Summers* in his life-time, and at the time of his death was, and stood seized in his Demesne as of Fee-simple of and in divers Messuages, Lands, Tenements and Hereditaments situate and being as well in *Bland-*

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Bills in the Exchequer.

fordforum afore said in the County of *Dorset*, as elsewhere in the Kingdom of *England*, and also was possessed and interested in divers other Lands, Tenements, and Hereditaments, some for Years, and other for Lives, or for Years determinable, and Lives, scituated in *Blandford* afore said, and elsewhere in *England*, and being so seized, possessed, and interested thereof as afore said, and bearing an intire love and affection for your Oratrix, as also for and towards your Orators, *John Summers* and *Samuel Summers* his Sons; He the said *Richard Summers* did on or about the Tenth day of *September*, in the Year of our Lord God, One thousand six hundred eighty and three, make and ordain his last Will and Testament in writing, in these words, or to this effect following (that is to say) In the Name of God, *Amen*, I *Richard Summers* of *Blandford-forum* in the County of *Dorset*, Maltster, being sick and weak of body, but of sound and perfect memory (thanks be given to Almighty God) doe make this my last Will and Testament in manner and form following: First and principally I commend my Soul to Almighty God, my Creator assuredly believing that I shall receive full pardon and free remission of all my Sins, and be saved by the precious Death and Merits of my blessed

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bleſſed Saviour and Redeemer Jeſus Chriſt, and my Body to the Earth, from whence it was taken, to be buried in ſuch decent and Chriſtian manner as to my Executrix hereafter named ſhall be thought meet and convenient, and as touching ſuch Eſtate as the Lord in mercy hath beſtowed on me, My will and meaning is, the ſame ſhall be employed and beſtowed as hereafter by this my Will is expreſſed. Whereas I am ſeized to me and my Heirs, and Aſſigns for ever, of and in ſeveral Meſſuages, Lands and Tenements ſcitu-ate, lying and being in *Blandford-forum* aforeſaid, which I lately purchaſed of *William Mair* of *London* Cloath-worker, I give and deviſe the ſaid Meſſuages, Lands and Tenements, with their and every of their Appurtenances, unto my loving Sons in Law *William Cox* of *Dorcheſter*, in the ſaid County of *Dorſet*, Gent. and *Tho. Michall* of *Blandfordforum* aforeſaid Cloathier, their Heirs and Aſſigns, To have and to hold the ſaid Meſſuages, Lands and Tenements, with their and every of their Appurtenances to them the ſaid *William Cox* and *Thomas Michall* their Heirs and Aſſigns. In truſt nevertheleſs, and to the uſes, intents and purpoſes here- in after mentioned (that is to ſay) to the uſe and behoof of my loving Wife *Rebecca Summers*, for and during the term

Bills in the Exchequer.

of her natural life, so that after my decease she continue unmarried. And after the decease of my said Wife, To have and to hold the Malt-houses, containing three large Rooms, with the Appurtenances thereunto belonging, and the Dwelling-house containing four Rooms, belonging unto the said Malt-house, and the Out-houses and Back-sides thereunto belonging, now in my own possession and occupation, and two other Tenements without the Back-gate; the one in the renure and occupation of *Mary Crouch*, Widow; and the other in the tenure and occupation of *James Knight*, to and for the behoof and use of my Son *John Summers* and his Heirs for ever; And to have and to hold one other Dwelling-house, Messuage and Tenement fronting to the Street, containing seven Rooms, five whereof, to wit, a Shop, a Hall, and three Chambers, now in the tenure or occupation of *John Thorne*, and three Cock-lofts over the Chambers of the said *John Thorne*, now in my possession, and the use of the Back-side, Furnace, Pump and other Out-houses, as the said *John Thorne* now enjoyeth, and Stable-room for one Horse to be kept by my said Son *Samuel*, and one Shop in the tenure or occupation of *John Afford* to and for the use of my said Son *Samuel Summers*

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and his Heirs for ever ; But if my said Son *John Summers* should dye without Issue of his Body lawfully begotten, then my Will is, That the Premisses hereby given and devised to the use of him and his Heirs shall be and remain to my said Son *Samuel* and his Heirs ; And if my Son *Samuel* shall dye without Issue of his Body lawfully begotten, that then the Premisses devised to the use of him and his Heirs shall be and remain to the use of my Son *John* and his Heirs ; and in case my Son *John* and *Samuel* shall both dye without Issue of their Bodies lawfully begotten, then the several Premisses given and devised to them and their Heirs shall be and remain to the use of my two Daughters, *Martha Summers*, now Wife of *William Cox*, and *Elizabeth Summers*, now Wife of *William Wakeford*, equally to be divided betwixt them, share and share like, and to their Heirs for ever. *Item*, I give unto my Daughter *Elizabeth Summers* Ten shillings to buy her a Ring, and give unto my Daughter *Martha Cox* Ten shillings to buy her a Ring. *Item*, I give to my Son *Richard Summers* One shilling. *Item*, I give to my three Sons in Law, *William Cox*, *Thomas Michall*, and *William Wakeford*, Ten shillings a piece for each of them to buy a Ring. *Item*, I give to the Poor of the Parish of *Blandford*.

ford-forum aforesaid Twenty shillings. *Item*, All the rest of my Goods, Chattels and Estate whatsoever I give unto my dear and loving Wife *Rebecca Summers*, whom I hereby constitute Executrix of this my last Will and Testament; In witness whereof, I have hereunto set my Hand and Seal the Tenth day of *September*, One thousand six hundred eighty and three; the which said Will the aforesaid *Richard Summers* did sign, seal, publish and declare in the presence of *John Thorne*, *Richard Smith*, *Edith Knapp* her Mark, as by the said recited Will appears. And your Orators further shew unto your Honour, That the said *Richard Summers* at the signing, sealing, publishing and declaring of the said last Will and Testament as aforesaid, was of sound and perfect mind, memory and understanding, and that the said Will was duly signed, sealed, published and attested, according to the late Act of Parliament in that behalf; And that the said *Richard Summers* soon after the making, declaring and publishing of the said last Will and Testament departed this life, and all your Orators him survived, and are yet living, and accordingly she your Oratrix *Rebecca* did immediately after the death of the said *Richard Summers* her Husband enter into and upon the Messua-

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ges, Lands, Tenements and Hereditaments to her devised for her life as aforesaid (the Free-hold Reversion and Inheritance whereof expectant upon the decease of the said *Rebecca* doth by virtue of the said Devise severally belong unto your Orators and their Heirs in manner therein mentioned, and before set forth ;) And your Orators did not in the least doubt but that they should quietly have enjoyed the said several and particular Estates therein accordingly. But now so it is, may it please your Honours, that *Richard Summers*, Son also of the said *Richard Summers*, the Testator by a former Wife, doth now pretend and give out in Speeches, That the said free Premises of Inheritance, so devised to your Oratrix for her life, and the Reversion afterwards to your Orators *John* and *Samuel* in such manner as is before set forth was, and were long before in some other manner settled and conveyed; So that he the said *Richard Summers* hath, and pretends a title thereunto, and can, when he pleaseth, disturb any of your Orators in possession of the said Premises, or any part thereof, and thereupon doth threaten to enter upon the same, and oust your Oratrix from the possession thereof; and to that purpose he the said *Richard Summers* the younger, doth

pretend and give out in Speeches, that the said *Richard Summers* the Testator made not any such Will as your Orators have herein before set forth, and at other times if he did make any such Will, yet he the said Testator was not of a disposing mind and understanding at the time of the doing thereof, and at other times, that the said Will was not duely signed, sealed, published and attested as by the late Act of Parliament it ought to have been, and so pretends that the Premisses belongs to him the said *Richard Summers* the younger as Heir to the said Testator, and that the Personal Estate of the said Testator ought to fall into an Administration; And that he the said *Richard Summers* the younger ought to have his share and proportion thereof. All which actings and doings of him the said *Richard Summers* the younger, doe not only tend to the subversion of the true Will and Mind of the said Testator, but are contrary to all right, equity, and good conscience. In tender consideration whereof, and forasmuch as your Orators are remediless in the Premisses at and by the strict rules of the Common Law of this Kingdom, and have no means to preserve and perpetuate the testimony of their Witnesses to the said Will, or are any ways relievable in the Premisses save

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in Equity before your Honour. To the end therefore, that your Orator's Witness to the said Will may be examined *in perpetuam rei memoriam*, and their Depositions published, and may be made use of at any Trial at Law that may happen to concern the Title of the Premises according to the laudable custome and usage of this Honourable Court; And that the said *Richard Summers* the younger may true answer make to all and singular the Premises, and that your Orators may be relieved therein according to equity and good conscience. May it please your Honours to grant unto your Orators his Majesty's most Gracious Writ or Process of *Subpœna*, to be directed to the said *Richard Summers* the younger thereby, &c.

H. Bedinfield.

A Bill

A Bill of the late Master of the Rolls for Four pounds per Annum, due and payable by Agreement, to the use of the Liberty of the Rolls, by the Parish of St. Dunstan in the West.

To the Right Honourable, &c.

London. Humbly complaining, sheweth unto your Lordships your daily Orator *William Lord Lensball*, Baron of *Burford*, Master or Keeper of the Rolls, Writs and Records of the High Court of Chancery, and Warden of the House of Converts, That whereas your Orator's Predecessors in the Place and Offices aforesaid have been, and your Orator now is possessed of and interested in several Lands, Tenements and Rents situate and being in *Fewter-Lane*, alias *Fetter-Lane*, *London*, and in *Chancery-Lane* in the County of *Middlesex*, both in the Parish of *Saint Dunstons* in the West, *London*, heretofore belonging and laid unto the Mansion-house, now called the Rolls, for provision and maintenance of such *Jews* as should then or then after be

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converted, And since by special Act of Parliament added, and given from the use aforesaid to your Orators, Predecessors, Masters and Keepers of the Records of the said Court of Chancery, and now belongs to the same; And whereas the aforesaid Lands, Tenements, and Rents, together with many others situate in the Parish of St. *Dunstan* aforesaid, were at the time of the original declaration thereof for the purpose above-mentioned a peculiar liberty and jurisdiction severed and distinct from the Parish of St. *Dunstan* in the West aforesaid, and did so for many years continue without reference, or being liable to the payment or discharge of any manner of Parish-tax or duty whatsoever. And whereas Sir *Dudley Digges*, Knight (your Orator's Predecessor in the place aforesaid) upon a certain Treaty or Communication between him the said Sir *Dudley Digges* and the Minister, Church-wardens, or other Officers for the time then being of the Parish of St. *Dunstan* aforesaid (in consideration of a certain Rent to him and to his Successors, yearly to be paid and rendered) did for himself and his Successors consent and agree to and with the said Minister, Church-wardens, or other Officers of the Parish aforesaid for the time then being, that all and every the aforesaid

aforesaid Lands, Tenements, and Rents so (as aforesaid) belonging to the Jurisdiction and Precincts, now called the Rolls, should from that time be added and laid unto, and be, and reputed to be parcel of the said Parish of St. *Dunstan* in the West, *London*, and the several Inhabitants thereof should and might be liable to the payment of Parish Taxes and Duties, and bear and undergo Fines and all other Services equal with other the Inhabitants thereof. And your Orator further sheweth unto your Lordships, That the said Minister, Church-wardens, or other Officers then being of the said Parish of St. *Dunstan*; In consideration thereof did agree to pay unto the said Sir *Dudley Digges*, your Orator's Predecessor, and his Successors in the place and affair aforesaid the yearly Rent or Summe of Four pounds of lawfull money of *England*; the which said Summe of money your Orator's Predecessors, in pursuance of the said contract or agreement did from time to time yearly, and every year during their continuance in the Place and Office aforesaid, receive of the said Minister, Church-wardens, or other Officers of the said Parish of St. *Dunstan*, or of some by them appointed for the payment thereof; And your Orator for several years since his holding

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and enjoying the Place and Office aforesaid, hath had and received the same from them or some of them ; And in particular of and from Mr. *Strong*, late Minister of the said Parish of *St. Dunstan*, to whom he your said Orator hath given from time to time Acquittances thereof, as he received the same ; And your Orator expected the continuance of the payment thereof to him in the pursuance of the aforesaid contract and agreement, (as of right he humbly conceives ought to have been done and performed.) But now so it is, may it please your Lordships, that *Thomas Bates* the present Minister, and *Thomas Kent* and *John Price* the present Church-wardens of the said Parish of *St. Dunstan* in the West, *London*, and other the Officers of the said Parish that should and ought to pay unto your Orator the said yearly Rent of Four pounds, taking advantage of your Orator, and that his Witnesses who should prove all and singular the Premises, are either dead, or in remote parts beyond the Seas, so that their Testimonies cannot be had to clear the truth thereof ; And having gotten into their or some of their hands and custodies, or in the hands of some person or persons to them unknown the Writings that should evidence & make appear all and every the particulars

Bills in the Exchequer.

lars aforesaid, Have refused, and doe still refuse to satisfie and pay unto your Orator the said yearly Rent or Summe of Four pounds, contrary to the aforesaid agreement and contract made with your Orator's Predecessors in manner as before your Orator hath set forth; Albeit the said persons have been several times requested by your Orator in friendly manner thereunto: In consideration whereof, and for that your Orator is remediless in all and every the Premisses by the strict Rules of the Common Law, and is only relievable before your Lordships in this Honourable Court; And to the end the Defendants may set forth upon their Corporal Oaths, whether they know not of the said payment of the aforesaid Rent by their Predecessors, and the Right of your Orator and his Successors in the Place and Office aforesaid thereunto, and that the said Defendant may discover and set forth the truth of all and every other the Premisses; And to the end they the said Defendants may account with and pay unto your Orator the Arrears of the aforesaid Rent, and that the same may be settled, established and confirmed unto your said Orator and his said Successors by the decree of this Honourable Court, to be paid by them the said Defendants and their Successors,

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Bills in the Exchequer.

III

Ministers and Church-wardens of the a-
foresaid Parish of St. *Dunstan* for the time
to come, and your Orator be relieved in
all and every other the Premisses accor-
ding to Equity and good Conscience.
May it please your Lordships to grant
unto your said Orator a Writ or Pro-
cess of *Subpœna* to be directed to *Tho-*
mas Bates, &c. thereby commanding
them and every of them at a certain
day, &c.

Jo. Fountaine.

A Bill

A Bill brought by several Mortgagees against a pretended Heir in Tail, to discover what other Estates or Prior to the Complainants, and to pray the Aid of the Court to confirm their Title to the Mortgaged Premises to them, being for great and valuable Considerations.

To the Right Honourable Sir John Ernle, Knight, Chancellor and Under-Treasurer of His Majesty's Court of Exchequer at Westminster, Sir Edward Atkins, Knight, Lord Chief Baron of the same Court; And to the rest of the Barons there.

Hereford. Humbly complaining, shew unto your Lordships your Orators W. C. of the City of London, Brewer, Sir W. R. of the said City of London, Knight, and J. C. of London Brewer (Debtors and Accomptants to his Majesty, as by the Records of this Honourable Court and otherwise may appear) That T. C. of the Parish of Dilwin, in the County of Hereford, Gentle-

man,

man, deceased, being in his life-time,
(that is to say) in or about the Month
of *March*, One thousand six hundred fifty
eight seized in his Demesne, as of Fee-
simple of and in all that Capital Messu-
age or Tenement, with the Appurtenan-
ces called the *Home*, lying in the Parish
of *Dilwin* aforesaid, and of several Fields,
Closes, Pieces and Parcels of Arable
Lands, Meadow and Pasture, with the Ap-
purtenances thereunto belonging, and of
all that Messuage or Tenement called
Fawley, with the Appurtenances lying in
or near the said Parish of *Dilwin*, and se-
veral Lands thereunto belonging; and
being so seized, and having occasion for
the Summe of Five hundred pounds did
borrow the same of *J. C.* late of *Q.* in
the said County of *Hereford*, Widow,
and for securing the payment thereof
with Interest; He the said *T. C.* by an
Indenture bearing date on or about the
Twenty fifth day of *March*, which was
in the Year of our Lord One thousand six
hundred fifty nine made between the said
J. C. of the one part, and the said *J. C.*
of the other, part for and in Considera-
tion of the said Summe of Five hundred
pounds of lawfull Money of *England* to
him in hand paid by the said *J. C.* did
grant, bargain and sell unto the said *J. C.*
all that the said Capital Messuage or Te-
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nement, with the Appurtenances called the *Home*, and all Houses, Out-houses, Courts, Yards, Back-sides, Gardens and Orchards thereunto belonging or appertaining; And all those several Closes and Parcels of Arable Land, with the Appurtenances, containing in all about One hundred and twelve Acres of Land (be they more or less) lying in several Fields in the Parish of *Dilwin* aforesaid, and then or late used or enjoyed to or with the said Capital Messuage, and all those several Closes and Parcels of Meadow and Pasture-ground, with the Appurtenances lying in the said Parish of *Dilwin* hereafter particularly named and expressed (that is to say) the Bower-Meadow containing about eight Acres, the great Meadow containing about thirteen Acres, *Burfield's* Meadow containing about six Acres, the Fattening Meadow containing about eight Acres, the *Pigeon* Plock containing about two Acres, the *Homes-wood* containing about ten Acres, *Waynell* containing about six Acres, *Mildernard-Close* containing about two Acres together with the House thereon built and the *Wet-mere*, together with a parcel of Arable Land therewith lying in one Inclosure, containing in all about ten Acres, or by whatsoever Name or Names the said several Premises were

or was called or known, and all other the Lands, Tenements and Hereditaments of the said *T. C.* lying in the Parish of *Dilwin* aforesaid, whereof or wherein *E. C.* Widow, deceased, late Grandmother of the said *T. C.* was seized, possessed or estated at and before the time of her death, or which were by her held or enjoyed, together with the said Capital Messuage. And the Reversion and Reversions of all singular the said Premisses, To have and to hold the said Messuage, Lands, Tenements, and Premisses, with the Appurtenances unto the said *J. C.* her Executors, Administrators and Assigns from thenceforth unto the end and term of Five hundred years then next ensuing, and fully to be compleat and ended, Without Impeachment of or for any manner of Waste. Yielding and paying therefore yearly, during the said term, the yearly Rent of one Pepper-corn on the Twenty ninth of September, only if the same should be lawfully demanded Under a Proviso or Condition; Nevertheless in the said Indenture contained, That if the said *T. C.* his Heirs, Executors, Administrators or Assigns, or any of them did and should pay, or cause to be paid unto the said *J. C.* her Executors, Administrators or Assigns, at her then Dwelling-house at *Quismoorc*

aforesaid, on the Twenty ninth day of *September* next ensuing the date of the said Indenture the Summe of Fifteen pounds, and on the Twenty ninth of *March*, One thousand six hundred and sixty the like Summe of Fifteen pounds, and on the Twenty ninth of *September*, One thousand six hundred and sixty the like Summe of Fifteen pounds, and on the Twenty ninth of *March*, One thousand six hundred sixty one the like Summe of Fifteen pounds, and on the Twenty ninth of *September*, One thousand six hundred sixty one the like Summe of Fifteen pounds, and on the Twenty ninth of *March*, One thousand six hundred sixty two the Summe of Five hundred and fifteen pounds; That then and from thenceforth the Estate and Term there by granted, or mentioned to be granted should cease, determine, and be utterly void, As in and by the said Indenture (whereunto your Orators refer themselves) more at large appeareth. And your Orators further shew, That the said Mortgage-money was not paid according to the days and times in the said Provision mentioned, whereby the Estate in Law became absolutely vested in the said *J. C.* her Executors, Administrators and Assigns, signs for the remainder of the said term of Five hundred years; And the Interest

of the said *J. C.* after her death, in and to the said Mortgaged Premisses, did by vertue of her Will, and by vertue of an Assignment from *G. M.* the Executors of *A. M.* who was Executrix of *T. M.* who was Executor of the said *J. C.* came to and vested in one *H. C.* of *Suckley*, in the County of *Worcester*, Gent. He the said *H. C.* by Indenture bearing date, and duly executed on or about the Eighteenth day of *May*, in the Twenty ninth year of the Reign of our late Sovereign Lord King *Charles* the Second, made between the said *N. C.* of the one part, and *J. B.* of *M. B.* in the said County of *Hereford*, Gent. of the other part, for and in consideration of the Summe of Five hundred sixty five pounds of lawfull Money of *England* to him paid by the said *J. B.* He the said *H. C.* did grant, bargain, sell, assign and set over unto the said *J. B.* his Executors, Administrators, and Assigns; All and singular the said Capital Messuage or Tenement, Houses, Out-houses, Courts, Yards, Back-fides, Gardens, Orchards, Tenements, Lands, Meadows, Lessees, and all the Premisses in the first recited Indenture mentioned, with their and every of their Appurtenances, and all the Estate, Right, Title, Interest, Possession, Term of years, Claim and demand whatsoever, which he

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the said *Heibam Cooke* his Executors or Assigns then had, or might, ought, or should have or claim of, in or to the said Messuage or Tenement, and other the Premisses, with their and every of their Appurtenances, To have and to hold all and singular the said Messuage or Tenement, Lands and Premisses, with their and every of their Appurtenances unto the said *J. B.* his Executors, Administrators and Assigns for and during all the residue of the said term therein then to come, and unexpired in as large, ample and beneficial manner as he the said *H. C.* and *J. C.* and *A. M.* or any or either of them might, could or should enjoy the same to all intents and purposes, as in and by the said Indenture (to which your Orators refer themselves) more at large appeareth. And afterwards by Indenture bearing date and duly executed on or about the Sixteenth day of *April*, in the One and thirtieth year of the Reign of his said late Majesty King *Charles* the Second, made between the said *J. B.* of the one part, and *W. W.* of *Westminster* in the County of *Middlesex*, Gent. of the other part; He the said *J. B.* for and in consideration of the Summe of Three hundred and forty pounds of lawfull Money of *England* to him in hand paid by the said *W. W.* did

grant,

grant, bargain, sell, assign and set over unto the said *W. W.* his Executors, Administrators and Assigns all the before mentioned Premises granted to the said *J. C.* in or by the aforesaid Indenture, and every part and parcel thereof, with their and every of their Appurtenances; And also, To have and to hold the said Capital Messuage or Tenement, and all other the said Lands and Premises, and every of them, and every part and parcel thereof, with their and every of their Appurtenances unto him the said *W. W.* his Executors, Administrators and Assigns for and during all the rest and residue of the said term of Five hundred years then to come and unexpired, with and under a Proviso and Condition nevertheless, that if the said *J. B.* his Executors, Administrators and Assigns should well and truly pay or cause to be paid unto him the said *W. W.* his Executors, Administrators or Assigns the Summe of Three hundred and forty pounds and Interest at certain days and times in the said Indenture mentioned, then the said Deed of Assignment to be void and of none effect, as in and by the said Indenture of Assignment (whereunto your Orators refer themselves) more at large appeareth. And your Orators further shew, That by Indenture bearing date and

Bills in the Exchequer.

duely executed on or about the Thirteenth day of *March*, One thousand six hundred eighty five made between the said *W. W.* of the one part, and your Orators Sir *W. R.* and *J. C.* of the other part. He the said *W. W.* for and in consideration of the Summe of Three hundred seventy eight pounds sixteen shillings of lawfull Money of *England* to him in hand paid by your said Orators Sir *W. R.* and *J. C.* did grant, bargain, sell, assign and set over unto your Orators Sir *W. R.* and *J. C.* their Executors, Administrators and Assigns, all that the Capital Messuage aforesaid, and all and singular the Lands, Tenements, Hereditaments and Premisses expressed and contained in the said several recited Indentures, or any of them, with their and every of their Appurtenances, and all the estate, title, interest, term of years, claim and demand whatsoever of him the said *W. W.* of and to the Premisses, and every part thereof, To have and to hold unto your Orators Sir *W. R.* and *J. C.* their Executors, Administrators and Assigns from the day next before the date of the said Indenture for and during all the rest and residue of the said term of Five hundred years then to come and unexpired, as in and by the said Indenture (whereunto your Orators

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refer themselves) more at large appears. And your Orators further shew, That the said Three hundred seventy eight pounds sixteen shillings so paid unto the said *W. W.* was the proper Money of your Orator *W. C.* and that their Names were only made use of in the said Assignment in trust for him, and they have by a Deed or Declaration of Trust, bearing date the same Thirteenth day of *March* One thousand six hundred eighty five, declared the same so to be. And your Orators further shew, That the said *Thomas Carpenter* having occasion several times for Money, your Orator did lend to and supply him with the Summe of One thousand one hundred and twenty pounds, and for securing the repayment thereof with Interest, by Indenture bearing date, and duely executed on or about the Tenth day of *November*, in the first year of his now Majesty's Reign, made between the said *T. C.* of the one part, and *W. C.* of the other part. He the said *T. C.* for and in consideration of the said Summe of One thousand one hundred and twenty pounds of lawfull Money of *England* to him in hand paid by your Orator *W. C.* did devise, grant, bargain and sell unto your Orator *W. C.* his Executors, Administrators and Assigns, all that the said Capital Messuage, or Tenement and Farm, with the

the Appurtenances called the *Home*, and all that Messuage, or Tenement and Farm called *Fawley*, with the Appurtenances lying in or near the said Parish of *Delwin*, and all and singular the Houses, Edifices, Buildings, Barns, Stables, Gardens, Orchards, Lands, Tenements, Woods, Under-woods, Commons, Common of Pasture, Profits and Advantages whatsoever to the said several Messuages, or Tenements and Farms, and every of them severally and respectively belonging, or in any-wise appertaining or reputed, known or taken as part, parcel or member thereof, or therewith used, occupied or enjoyed, and also all other of the Messuages, Farms, Lands, Tenements and Hereditaments whatsoever of him the said J.C. or wherein he had any Estate or Interest either in Law and Equity, lying and being in the said Parish of *Delwin*, and in the Parish of *Webley*, or elsewhere in the said County of *Hereford*, and the reversion and reversions, remainder and remainders of all and every of the Premisses, and all the estate, right, title, interest, property, claim and demand whatsoever of him the said T. C. of, in and to the said Premisses, and all and every the Deeds, Evidences and Writings touching and concerning the Premisses, To have and to hold all and singular the said Messuages

or

Bills in the Exchequer.

113

or Tenements and Farms, and all other the Premisses, with their and every of their Appurtenances unto your Orator *W. C.* his Executors, Administrators and Assigns from the sealing and delivery of the said Indenture for and during, and unto the full end and term of Five hundred years from thence next ensuing, and fully to be compleat and ended without Impeachment of or for any manner of waste, yielding and paying therefore yearly during the said term to the said *T. C.* the yearly Rent of a Pepper-corn on *Michaelmas* day if demanded. Under a Proviso or Condition; Nevertheless, that if the said *T. C.* his Heirs, Executors, Administrators or Assigns, or any of them should and did well and truly pay or cause to be paid unto your Orator *W. C.* his Executors, Administrators or Assigns One thousand one hundred thirty six pounds sixteen shillings on the Tenth day of *February* next ensuing the date of the said Indenture, that then and from thenceforth the said Indenture, and the term and estate thereby granted should cease, determine, and become void (as in and by the said Indenture ready to be produced, whereunto your Orators refer themselves, more at large appeareth.) And your Orators further shew, That the said *T. C.* before he paid the One thousand

sand one hundred thirty six pounds sixteen shillings, or any part thereof, or the said Three hundred seventy eight pounds sixteen shillings, due on the said C's Mortgage, or any part thereof, or any Interest for the same (that is to say) in or about the Month of *February*, One thousand six hundred eighty and five died, leaving *T. C.* of *Delwin* aforesaid, Gent. his Son and Heir, to whom the Inheritance and Equity of Redemption of the said Mortgaged Premises is descended and come, and he ought to pay unto your Orator *W. C.* the said several Summes of Three hundred seventy eight pounds sixteen shillings, and One thousand one hundred thirty six pounds sixteen shillings with Interest, and his Costs and Charges which he hath been at in relation to the Mortgages and Mortgaged Premises, which your Orator in a friendly manner hath requested him to doe. But now so it is, may it please your Lordships, that the said *T. C.* by Combination and Confederacy with some persons unknown to your Orators (whose Names, when discovered, your Orators pray may be inserted into this Bill, together with apt matter to charge them) doth endeavour as much as in them lyes to defeat and defraud your Orator *W. C.* of the said One thousand one hundred and twenty pounds and

and Interest due on the said last mentioned Mortgage; and in order thereunto doth pretend and give out in Speeches, That the said *T. C.* his Father on his Marriage with *E. C.* his Mother, who was the Daughter of the said *J. B.* did in or about *January* One thousand six hundred sixty one enter into and become bound unto the said *J. B.* in a certain Bond or Writing obligatory of a great penalty conditioned, That he the said *T. C.* would in a short time in the Condition of the said Bond prefixed, settled in Jointure upon the said *E. C.* and the Heirs of their two bodies, the Mannor of the *Home* and all other his Lands which formerly were the Jointure of *E. C.* his Grandmother, and the Tenements called *Gatebridge* and the *Leys*, And to settle his said Lands called *Fawley*, and all other his Lands in the Parish of *Delwin* upon himself for life, and after his death to the Heirs of his Body on the Body of the said *E.* and for want of such Issue to his own right Heirs, or to some such effect; And the said *T. C.* doth pretend, that by vertue of the said Bond he is intituled to the said Premises as Heir in Tail, and that your Orator *W. C.*'s Mortgage being subsequent to the said Bond, cannot effect the Estate, although the said *T. C.* well knows; and so the truth is, That the said *J. B.* never per-

performed the Marriage-agreement on his part, and that the said *T. C.* the Father never made any Settlement pursuant to the said Bond, but after the time of his entring into the said pretended Bond, and after the time of the said Marriage the said *T. C.* the Father by Articles under Hand and Seal, bearing date on or about the eleventh day of *December* One thousand six hundred sixty six contracted to sell all the said Premisses called the *Home* and *Fawley* unto one *H. W.* and his Heirs, and the said *T. C.* levied a Fine of the said Premisses unto the said *H. W.* and his Heirs, but made no conveyance to lead the uses thereof, which Fine so levied, as your Orator *W. C.* is advised, doth destroy the Estate tail, which according to the Condition was to have been settled in case any Settlement had been made, and doth enure to the use of the said *T. C.* the Father and his Heirs, and gave him good power to make the said Mortgage to your Orator *W. C.* And at other times the said *T. C.* the Son does pretend that the said Mortgaged Premisses are not worth the Money due to your Orator *W. C.* thereon (the said *E. C.* the Mother having an Estate for life in the said Premisses called the *Home*) which your Orators cannot controvert, nor does by this Bill seek any relief against the same, but are willing

ling and contented that she should enjoy the same during her life.) And that if your Orator *W. C.* enters into the said Premisses called *Fawley*, that your Orator shall be no better than his Bayliff, and that he will call your said Orator to an account for the same when he pleases, and also pretends that the said Premisses are charged with and liable to former and other Estates, Grants, Mortgages, Judgments, Leases, and other Incumbrances made in time before the said Mortgages, under which your Orator's claim as aforesaid, but to whom, when, or for what, or by whom entred into the said *T. C.* the Son refuseth to discover. And your Orator *W. C.* having an occasion for his Money, cannot dispose of the Premisses to any purchaser, and thereby raise and repay himself his said Mortgage money and Interest, unless he had the Premisses in quiet possession freed and discharged of the Equity of Redemption of the said *T. C.* the Son, and he release his Interest and Equity of Redemption of and in the said Premisses to your Orator as he ought to doe in case he refuseth to pay what is due to your Orator *W. C.* by a short day to be limited by this Honourable Court. In tender consideration whereof, and forasmuch as
your

your Orators are remediless in the Premises by the strict Rules of the Common Laws of this Realm, and is only relieved in a Course of Equity before your Lordships. To the end therefore that the said *T. C.* the Son may set forth and discover whether he doth not believe or hath heard that the said *T. C.* his Father did make such Mortgage to the said *J. C.* as herein before is set forth, and for what consideration; And whether there hath been such Assignments made as aforesaid; And whether he made such Mortgage to your Orator *W. C.* as aforesaid, and for what consideration; And whether he had good right Power and Authority to make the said Mortgages; And whether the said Mortgages are forfeited; And whether the said *T. C.* the Father did enter into any Bond to *J. B.* to make a Jointure of any part of the said Premises to his Wife, and the true Date and Contents of such Bond; And whether any Settlement was ever made and executed by him pursuant to such Bond, And when, And the Date and Contents of the same; And who are Witnesses thereunto; And where they dwell; And whether the same was sealed and executed on the day it bears date; And whether the said *T. C.* the Father

Father did make such Contract, and levy such Fine to *H. W.* as afore said ; And may also set forth what Deeds, Evidences or Writings he or any for him hath, or had, or can come by concerning the Title of the said Premises, and in whose hands they now are or lately were, and what Mortgages, Estates, Statutes, Judgments, or any other Incumbrances, and of what nature or kind the said Premises, or any, and what part thereof are liable unto, or charged, or chargeable with, and to whom and by whom, and when and upon what consideration really and *bona fide* entred into, and what is really due thereon, and what is the true yearly value of the said Premises ; and that the said *T. C.* may true answer make to all and singular the Premises, and may be compelled by the Decree of this Honourable Court to pay unto your Orator *W. C.* the said Principal Mortgage-money, due on both the said Mortgages and Interest for the same, and his Costs and Charges by a time to be for that purpose prefixed by this Honourable Court, or in default of payment thereof at such a time and place as this Court shall direct, that your Orators, their Executors, Administrators and Assigns may hold and enjoy the said Morgaged Premises against the said *T. C.* during

the remainders of the said several terms free and clear from all right and equity of Redemption of the said *T. C.* or any claiming by, from or under him, and that the said *T. C.* may deliver unto your Orators all the Deeds and Writings which any way may concern the said Premises or any part thereof, and release the said Provisoos or Conditions in the said Mortgages to your Orators respectively, and make further assurance. And that your Orators may be relieved in all and singular the Premises according to Equity and good Conscience. May it please your Lordships to grant unto your Orators Process of *Subpoena*, to be directed to the said *T. C.* thereby commanding him at a certain day, and under a certain pain therein to be limited, &c.

Con. Phipps.

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A Bill against the King when Duke of York for an Estate that came to a Traytor as Trustee.

To the Right Honourable *Thomas* Earl of *Southampton*, Lord High Treasurer of *England*, *Anthony* Lord *Ashley*, Chancellour and Under-Treasurer of his Majesties Court of Exchequer, Sir *Mathew Hale*, *Ld.* Chief Baron, and to the rest of the Barons of that Court.

London' } **I**N all humble manner com-
Lincoln' } plaining sheweth unto your
Honours your daily Orator *E. A.* Citizen and Merchant Taylor of *L.* Debtor and Accomptant unto our Sovereign Lord the Kings Majesty that now is, as by the Records of this Honorable Court it doth and may appear, That whereas *H. A.* Esquire, your Orator's late Father deceased, in his life time was lawfully seized in his Demesne as of Fee simple, or Fee tail, general or special, with the immediate remainder or remainders, reversion or reversions thereof, to his right Heirs expectant of and in the Mannor and lands of and in *Blythborough* in the County of *Lincoln*, of
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Bills in the Exchequer.

the yearly value of 1200.*l.* or thereabouts, And of and in the Manor and Lands of and in *Tomby*, with the appurtenances in the said County of *Lincoln* of the yearly value of seven hundred pounds, or thereabouts, And of and in some other Messuages, Lands, Tenements, and Hereditaments, with the appurtenances, in the said County of *Lincoln*, of good yearly value, All the Mannors, Messuages, Lands and Tenements, with the appurtenances, of the said *H. A.* in the said County of *Lincoln* being of the yearly value of 2000.*l.* or thereabouts. And the said *H. A.* of all and singular the said Mannors, Messuages, Lands, Tenements and Premisses so being seized as aforesaid, about fifty years last past did marry and take to Wife *Theodocia*, one of the Daughters of Sir *J. H.* of *R.* in the County of *R.* Knight, since deceased, with whom he then had and received for the marriage Portion of the said *Theodocia* the summ of one thousand pounds of good and lawfull money of England at the least. At and before which marriage had, and in consideration thereof, and of the said Portion, he the said *H. A.* (for the Jointure of the said *Theodocia*, and for provision of such Children as she should have by the said *H. A.*) by and
 accor-

according to agreement in that behalf,
did not onely by good and sufficient as-
surance in the Law, convey and settle
the aforesaid Mannor of *Blihborough*
and divers other Messuages Lands Te-
nements and Hereditaments in *Blihb-
orough* aforesaid, and elsewhere, in the
said County of *Lincoln*, parcel of the
Premisses, of the said yearly value of one
thousand two hundred pounds, or there-
abouts, unto and upon or to the use of
the said *Henry* and *Theodocia*, for and
during their natural lives, and the life
of the longest liver of them, and after
their deceases To the use of the Heirs
males of the Body of the said *Henry* on
the Body of the said *Theodocia* to be be-
gotten. With some Proviso or Agree-
ment nevertheless, as your Oratour
hath heard, that if the said *H. A.* (who
then was Issueless) should leave behind
him at his death a Son, begotten on
the Body of the said *Theodocia*, which
Son should or might inherit or enjoy
the Inheritance of the said Jointure
Lands, that then the said Jointure should
be lessened or reduced onely to Lands
of four hundred pounds *per annum*, or
to such effect. But the said *H. A.* did
also convey and settle the said Mannor
and Lands of and in *Tomby*, and other
his Lands, or a good part thereof, in

and unto himself and the Heirs or Heirs males of his body, with several limitations, powers, provisions, and clauses, for the making and raising of reasonable and competent maintenance, portion and provision to and for the younger children between them the said *H.* and *T.* to be had, as by the said Conveyances to that purpose made and executed, (if your Oratour had the same to produce,) and unto which for more certainty in that behalf he referreth himself, more plainly and at large it would and might appear. After the solemnization of which said Marriage, and not before it, it was discovered that the said *H. A.* was greatly indebted unto divers and sundry persons in divers and sundry great summs of money amounting in all to the summ of 16000 *l.* at the least. And he the said *H. A.* being so much importuned and called upon by his Creditors to make payment of the said Debts, as that for discharge thereof he was resolved to make sale of the Inheritance of the said Mannor of *Blisborough*, and of other his Lands and Tenements aforesaid. And the said *Theodocia* understanding of such her Husbands intention was very unwilling and did absolutely refuse to give her consent to the sale thereof, for that she (as

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she had much cause so to doe) feared that the sale thereof would be the occasion not onely of the ruine of her self and Children, but also of her Husband and his Family, whereupon Sir *E. H.* of *R.* aforesaid, since Knight and Baronet, deceased, Son and Heir of the said Sir *J. H.* and Brother of the said *Theodocia*, and Uncle of your said Oratour, well knowing what Jointure and Provision was made and settled to and for the said *Theodocia* as aforesaid, and the yearly value thereof as aforesaid, (the said *H. A.* at that time not having issue any Son at all,) he the said Sir *E. H.* by the procurement of the said *H. A.* your Orator's Father, in or about the year of our Lord God 1616. did by several Letters and otherwise earnestly importune and solícite the said *Theodocia* to depart with her said Jointure, promising and offering, that in consideration that she would consent unto and join with her said Husband in the sale of the said estate to one Sir *G. S.* Knight, he the said Sir *E. H.* did propose, and by Warrant from the said *H. A.* offer and undertake, that in lieu and recompence thereof the sum of three thousand pounds principal moneys should be well and sufficiently secured to be paid by the said Sir *G. S.* at a time or times in that behalf agreed

upon, for the advancement and preferment of such younger children otherwise unadvanced, as she had and should have by the said *H. A.* And that the Mannor and Lands, of and in *M.* in the said County of *L.* (which he the said Sir *E. H.* then affirmed was of the clear yearly value of three hundred pounds, above all charges and Reprises, and freed and discharged of all and all manner of Incumbrances) should by the said Sir *G. S.* (the Conveyancer thereof) be well and sufficiently settled and conveyed unto and upon such person and persons, and their Heirs, as she the said *Theodocia* should nominate and appoint, To the use of them and their Heirs: Yet nevertheless in and upon Trust and Confidence, and to and for the onely good and benefit of the said *H. A.* and *Theodocia* for their Lives, and the Life of the longest liver of them. And after their Deceases, Then also in and upon Trust and Confidence, for the onely good and benefit of the said *H. A.* or else in Trust for the Heirs or Heirs males of the Body of the said *H. A.* on the Body of the said *Theodocia* begotten and to be begotten, or else in and upon such other Trust and Confidence, after the Decease of the said *Theodocia*, That then and from thenceforth it did and should every

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every way appertain and belong to your Orator, immediately upon and after the Death of the said *Henry* and *Theodocia*, To have hold and enjoy the said Manor and Lands of and in *M.* of and for an Estate of Inheritance in Trust, and in Equity freed and discharged of all Incumbrances, and not to be liable or charged with any the Debts or Engagements of him the said *H. A.* Which Profer and Undertaking she the said *Theodocia* at and upon the earnest request and by the mediation of the said Sir *E. H.* and for the disengaging of her said Husband of and from his said Debts (and relying upon the then promises and undertakings of the said Sir *E. H.* that the said Manor, Lands, and Tenements of and in *M.* aforesaid were and should be of the clear yearly value of three hundred pounds as aforesaid, freed and discharged of and from all estates, charges and incumbrances whatsoever, should forthwith be well and sufficiently conveyed and assured unto such person and persons, and their Heirs, as she the aforesaid *Theodocia* should nominate and appoint, in, for and upon the several and respective Trust and Confidences before mentioned. And that the same should be settled and conveyed in such manner, as that it should not be liable to

to any Debts, Payments and Incumbrances of the said *H. A.* as aforesaid, did consent and agree to the sale of the said Manors of *B.* and *T.* and other Lands and Estate of her said Husband, and to join in the levying a Fine of the said Mannor of *B.* and of all other her Jointure-Lands there and elsewhere of all other the Lands and Estate of her said Husband. And in pursuance of the said Offer, Consent and Agreement, (for that the said *H. A.* had then lately contracted and agreed with the said Sir *G. S.* for the absolute sale of the said Manors of *B.* and *T.* and other the Lands and Estate of the said *H. A.* unto him the said Sir *G. S.* and his Heirs.) the said Sir *G. S.* being then seized in Fee to him and his Heirs, of and in the said Manor of *M.* It was by Articles of Agreement in Writing, bearing date in or about the month of *September*, which was in or about the fourteenth year of the Reign of the late King *James*, of *England*, &c. and made by and between the said Sir *G. S.* *H. A.* Sir *E. A.* and *E. S.* then of *K.* in the said County of *L.* Esq; since deceased, (a near Kinsman of the said *Theodocia*) or between some of them, mutually covenanted and agreed between them, or some of them, to this effect following, viz. First, that the said *H. A.* and *The-*
odocia

Theodocia his Wife should (within some short time then after agreed upon between them) by Fine and other good and sufficient Conveyances and Assurances in the Law, grant and convey the said Manors of *B.* and *T.* and all other Lands of the said *H. A.* with the appurtenances, unto him the said Sir *G. S.* and his Heirs for ever. And that upon making and perfecting of the said Assurances, he the said Sir *G. T.* should settle and convey by good Assurances in the Law, the said Manor and Lands of and in *M.* with the appurtenances unto the said Sir *E. H.* and *E. S.* and their Heirs, to the use of them and their Heirs, upon the Trusts and Confidences nevertheless herein before expressed or to such effect in substance, As in and by the said Articles of Agreement, or in and by some other Articles, Note, or Writing, if your Orator had the same to produce (amongst other things therein contained) it would and might appear. And your said Orator farther sheweth unto your Honours, that after the making of the said Articles of Agreement as aforesaid, The said *H. A.* and *Theodocia* did by Fine, and by other good and sufficient Conveyances in the Law, convey the said Manor of *B.* and *T.* and other Lands, unto the said Sir *G. S.* and his Heirs, or to such

such other person or persons, and his or their Heirs, as he appointed, whereby she the said *Theodocia* barred and utterly excluded her self, and all her Children, of any Lands or other means or provision out of the said Manour of *B.* And in farther pursuance of the Articles and Agreement aforesaid, the said Sir *G. S.* by his Indenture of Bargain and Sale, or some other Conveyance and Assurance in the Law, in or about the month of *November*, which was in or about the said fourteenth year of the Reign of the said late King *James* of *England*, &c. For and in consideration of a certain Summ of lawfull money of *England*, to him in hand paid before the ensealing and delivering of the said Indenture. And at the request and by the appointment of the said *H. A.* and *Theodocia* his Wife, and in pursuance of the Contract and Agreement aforesaid, did grant, bargain and sell and convey unto the said Sir *E. H.* and *E. S.* and their Heirs, To the use of them and their Heirs, the aforesaid Manour and Lands of and in *M.* with all and singular the Messnages, Lands, Tenements and Hereditaments, with the Appurtenances, to the said Manor of *M.* belonging, or in any wise appertaining in and upon such Trusts and Confidences as

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are herein before mentioned. Albeit the same trusts or any trust at all be not expressed in the said Deed of Conveyance, as by the said last mentioned Deed of Conveyance (if your Orator had the same to produce) more at large it would and might appear. And your said Orator further sheweth unto your Honours, That after the conveying of the said Mannor and Lands of and in *M.* in such sort or to such effect as aforesaid, They the said Sir *E. H.* and *E. S.* in part of performance of the trust and confidence aforesaid did permit and suffer the said *H. A.* and his Assigns peaceably and quietly to hold and enjoy the said Mannor of *M.* for and during all his life-time; And after his death in like manner the said *Theodocia* for and during her life-time, and the Rents, Issues and Profits thereof to receive and take to their own uses without any account therefore given or to be given to them the said Sir *E. H.* and *E. S.* or either of them for the same. And afterwards, namely about Twenty years since the said *E. S.* of such an Estate as aforesaid of and in the said Mannor and Lands of and in *M.* with the appurtenances, died seized subject to the Trust aforesaid; And the said Sir *E. H.* him survived, and the said Mannor and Lands and the Estate

state in Law therein accrued and come wholly unto him the said Sir *E. H.* and to his Heirs upon and under and always subject to and liable to perform the trust and confidence aforesaid in him and the said *E. S.* repofed; And after the death of the said *E. S.* (as always before) the said Sir *E. H.* did permit and suffer the said *Theodocia* and her Assigns (her Husband your Orator's said Father being dead) peaceably and quietly to enjoy the same, and to receive and take the Rents, Issues and Profits thereof to her own use as aforesaid according to and in further execution and performance of the said Trust without giving of any account therefore unto him the said Sir *E. H.* and freed and discharged of and from all and every the debts and incumbrances of the said *H. A.* or otherwise howsoever, the true reason and cause why the said Mannor and Lands of and in *M.* were not settled nor to be settled in or to the said *H. A.* being because by the true meaning and agreement of the said *Theodocia* upon her quitting her Jointure and joyning with her said Husband in assurance as aforesaid the said Mannor and Lands of and in *M.* were to be put into and continue in a condition not liable to the debts or incumbrances of the said *H. A.* And about four years after the settling

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setling and conveying of the said Mannor and Lands of and in *M.* in manner as aforesaid, he the said *H. A.* departed this natural life, leaving Issue behind him (on the body of the said *Theodocia* begotten) *R. A.* his eldest Son and Heir then living, and your Orator his second Son, and divers other children. And afterwards (that is to say) in or about the Month of *November Anno Dom. 1648.* the said *R. A.* your Orator's said elder Brother died without any Issue of his body begotten, By and after whose decease the trust of the inheritance of, for and concerning the said Mannor and Lands of and in *M.* descended, remained or otherwise came unto your Orator as Brother and next Heir of the said *R.* and eldest Son living and next Heir general, and Heir-male of the said *H. A.* your Orator's said Father deceased on the body of the said *Theodocia* begotten in such sort that the trust and confidence aforesaid reposed in the said Sir *E. H.* and *E. S.* of and in the said Mannor and Lands of and in *M.* And the said Mannor and Lands by force and vertue of such trust did and doth belong and appertain to your Orator in equity and good conscience, the said *Theodocia* being also lately (*viz.* on or about our *Lady-day* now last past) dead, in possession of the said Mannor,

nor, Lands and Premisses, and having constantly taken and received to her own use the Rents, Issues and Profits thereof. And your Orator further sheweth unto your Honours, That in or about *Michaëlmas* Term in the Year of our Lord God 1650, your Orator exhibited his Bill of Complaint into the High Court of Chancery against the said Sir *E. H.* the said surviving Trustee, and against *W. S.* Son and Heir of the said *E. S.* and the said *Theodocia* to have the Trust aforesaid, and the truth of all and singular the Premises discovered and set forth, To the end a good and perfect Estate in Law might and should be made to your said Orator of and in the said Mannor and Lands of and in *M.* according to the said Trust, and according to your said Orator's right and title thereunto in equity to take place unto and in your Orator immediately upon and after the decease of your Orator's said Mother as aforesaid, (To which said Bill of your Orators they the said Sir *E. H.* and *W. S.* and *Theodocia* severally appeared and answered; And the said Sir *E. H.* in and by his said Answer (amongst other things) did declare and set forth the aforesaid Trust to be for the said *H. A.* and *Theodocia* his Wife and the longest liver of them, and after their deceases for the Heirs of their

two bodies ; And that although there were then no speech touching the remainder in Fee-simple in case the said *H. A.* and *Theodocia* should dye without Issue, yet the said Defendant *Sir E. H.* did also in and by his said Answer set forth and conceive that for want of such Issue the same should be for the right Heirs of the said *H. A.* But that there was not any writing made to declare the said Trust between the said *H. A.* and *Theodocia*, and the said *Sir E. H.* and *E. S.* Only the said Defendant *Sir E. H.* in and by his said Answer doth further set forth that he was sure he was to make no further benefit by the said Conveyance to his own use then to be reimbursed what he pretended he had paid for the said *H. A.* and freed of pretended engagements for him, As in and by the Answer of the said *Sir E. H.* filed in the said High Court of Chancery in *Michaelmas* Term in the Year of our Lord 1650, and there remaining upon Record, whereunto relation being had (amongst many other things therein contained) more at large it will and may appear ; And the said *W. S.* in and by his said Answer saith he hath heard of the said Trust, but knoweth not what the same was and shall be ready to perform what thereof rests unperformed, As in and by the Answer

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of the said *W. S.* remaining also upon Record in the said High Court of Chancery, whereunto relation also being had more at large may appear. And your said Orator further sheweth unto your Honours, That in or about *Trinity* Term in the Year of our Lord God 1652, he your said Orator did reply unto the said Answers of the said Sir *E. H. W. S.* and *T. S.* and did exhibit Interrogatories for Examination of Witnesses, and accordingly did examine one Witness in the said Cause, whose Depositions doth yet remain unpublished. But before any further prosecution in the said Cause, the said Sir *E. H.* departed this natural life, by whose death the Estate in Law of and in the said Mannor, Lands and Premises of and in *M.* aforesaid descended and came unto *J. H.* late called Sir *J. H.* Knight and Baronet, Son and Heir of him the said Sir *E.* yet subject and liable in equity and good conscience unto the Trust aforesaid and the performance thereof. And to have the same performed according to your said Orator's just right and complaint in the said High Court of Chancery, he your said Orator did in or about *Easter* Term in the Year of our Lord God 1653, Exhibit his Bill into the said Court against the said Sir *J. H.* to have the said Suit and all
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and every the Proceedings thereof and therein to be revived and stand in the same plight and condition between your said Orator and the said Sir *J. H. W. S.* and *Theodocia* as they were between your Orator and the said Sir *E. H. W. S.* and *Theodocia* in the life-time of him the said Sir *E. H.* To which said Bill of Reviver the said Sir *J. H.* appeared and answered, Thereby not denying the said Trust or any the Premises aforesaid, but referring to the said Answer of his Father Sir *E. H.* As by his said Answer remaining of Record also in the said High Court of Chancery, relation being thereunto had, may more at large appear. And your Orator further sheweth, That before any further Proceedings in the said Cause by a certain Act of Parliament begun at *Westminster* the Eighth day of *May* in the Thirteenth year of the Reign of the King's most Excellent Majesty that now is, *Anno Dom. 1661.* entituled, An Act declaring the Pains, Penalties and Forfeitures imposed upon the Estates and Persons of certain notorious Offenders excepted out of the Act of free and General Pardon of Indemnity and Oblivion. It is enacted that all and every the Mannors, Messuages, Lands, Tenements, Rents, Reversions, Remainders, Possessions, Rights, Conditions, Interests, Offi-

ces, Fees, Annuities, and all other the Hereditaments, Leases for years, Chattels real and other things of what nature soever they be of the said Sir *J. H.* (amongst other persons therein named) which they or any of them or any other person or persons to their or any of their uses, or in trust for them or any of them, had the Five and twentieth day of *March* in the Year of our Lord 1646, or at any time since should stand and be forfeited unto the King's Majesty that now is and his Heirs and Successors, and should be deemed, vested and adjudged to be in the actual and real Possession of the King's Majesty without any Office or Inquisition thereof thereafter to be taken or found. By reason of which Act the Estate in Law of and in the said Mannor and Lands of and in *M.* (being in the said Sir *J. H.*) became liable to Confiscation and Forfeiture (as your Orator hath cause to suspect.) In which said Act of Parliament is nevertheless (amongst other things) contained a certain Proviso to this or the like effect, *viz.* That not any conveyance, assurance, grant or estate made before the Five and twentieth day of *April* 1660, by any person or persons to any of the Offenders in the said Act, named in trust and for the benefit of any other person or persons not being any of

of the Offenders aforesaid (as your Orator is not nor was his said Father in his life-time) or in trust for any Bodies politique or corporate shall be impeached, defeated, made void or frustrated thereby or by any of the Convictions and Attainders therein ; But that the same should be held and enjoyed by the Purchasers, Grantees, Lessees, Assigns, *Cestuy que use*, *Cestuy que trust*, and every of them their Heirs, Executors, Administrators and Assigns respectively, as if the said Act had not been made So as the said Conveyances and all and every the grants and assurances which by vertue of the said Act were and ought to be held and enjoyed as aforesaid should before the First day of *January*, which should be in the Year of our Lord 1662, be entred and enrolled of Record in this his Majesty's Court of Exchequer and not otherwise, Any thing in the said Act therein before contained to the contrary in any wise notwithstanding) As in and by the said Act of Parliament (amongst many other things therein contained) more at large it doth and may appear. By vertue of which recited Proviso contained in the said Act your Orator humbly conceives he is restored to have and require the performance of the aforesaid Trust, and to take and receive the benefit and

advantage thereof as to him it was really intended, and to whom it doth in all equity and good conscience belong and appertain. But now so it is, may it please your Honours, That the said *J. H. W. S.* and one *J. H.* second Son of the said *Sir E. H.* and Brother of the said *J.* or one of them, having gotten into their or some or one of their hands, or into the hands of some person by their delivery, privity or consent, as well both parts of the aforesaid Articles of Agreement as the said Deed of purchase of the said Mannor and Lands of and in *M.* made by the aforesaid *Sir G. S.* to them the said *Sir E. H.* and *E. S.* and their Heirs, and all other the Deeds, Evidences and Writings whatsoever touching or concerning the said Mannor and Lands of and in *M.* aforesaid, and which should manifest the Trust aforesaid, your Orator is made incapable thereby to enter and enroll of Record in this Honourable Court the said Conveyances, Grants, Assurances, and other Writings that concern and should evidence his Title to the aforesaid Lands and Premises, and in that respect in the strictness of the Letter of the said Act is barred and not capable (as your Orator feareth) of the favour of the aforesaid Proviso, or to have and reap
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the benefit thereof according to the true intention of the same; Yet your Orator humbly conceives that by the Equity of the said Act he hath remedy and may have relief in this Honourable Court against the aforesaid forfeiture. In tender consideration whereof, and of all and singular the Premises aforesaid, And for that your Orator is not elsewhere relievable but in this Honourable Court; And to the end his Majesty's Attorney-General, together with his Highness *James Duke of York*, (To whom, as your Orator is informed, his said Majesty hath been pleased to give and grant (amongst other things) all and every the forfeited Estates upon the aforesaid Act) and all such other person or persons to whom his Majesty hath been or shall be pleased to give or grant the Estate of the said *J. H.* when they shall be known unto your Orator may be made parties to this your Orator's Bill of Complaint; And they and every of them may be compelled by the Decree of this Honourable Court to suffer your Orator and his Heirs quietly and peaceably to enjoy, dispose of and settle (as they shall think fit) the aforesaid Mannor, Lands and Premises of and in *M.* aforesaid according to the Trust aforesaid,

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said, and his Right and Title thereunto by vertue of the same, And to the end the said Mannor and Lands may be conveyed and disposed of as your Orator shall direct; And to the end the said *J. H.* may upon his Corporal Oath set forth whether the Trust aforesaid were not as herein before is set forth, and why your Orator should not enjoy all the said Premisses according thereunto, And what Estate or Estates he or the said Sir *E. H.* and *E. S.* or either of them in their life-times have made, and how, to whom, and when, and upon what consideration; And to the end he may be compelled by the like Decree of this Honourable Court to convey to your Orator and his Heirs the said Mannor, Lands and Premisses according to the said Trust, or such part as they or any of them, or any for or claiming under them have in their hands, or that he or they pretend Title unto, To the end the same may be settled by the Decree of this Honourable Court; And that your Orator may be relieved in all and singular other the Premisses according to equity and good conscience. May it please your Honours to grant unto your Orator your Honour's Letter to his said Highness *James Duke of York*, To the end his Highness may be pleased

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pleased to answer the Premisses, And to direct his Majesty's Attorney-General to answer the same so far forth as it concerneth his Majesty; As also his Majesty's most Gracious Writ of *Subpœna* to be directed to the said *J. H.* Thereby commanding him at a certain day and under a certain pain therein to be limited to be and personally to appear before your Honours to answer all and singular the Premisses; And further, to stand unto and abide such order and direction therein, as to your Honours shall seem meet and agreeable with equity and good conscience; And your Orator shall pray, &c.

Ro. Atkins.

The State of the preceding Case.

H. *A. seized of 2000 l. per annum, and having Married the Daughter of Sir E. H. And being indebted 20000 l. and a Gamester; And Friends fearing all should be gone, advised that 2000 l. per annum should be absolutely sold and an Estate bought in Harrington, and one Skipwith's Name absolutely without script or writing of the Trust.*

S. died

Bills in the Exchequer.

S. died and H. survived, but both permitted A. for life, and after his Wife to enjoy the new Estate bought ; But E. A. the Issue fearing H's death, prefers his Bill in Equity to discover the Trust.

H. sets it forth, but before any further proceeding dyes, the Estate in Law descending to Sir J. H. his Son, who becomes a Traytor, and this amongst other of his Estate forfeited, which forfeited Estate was given to J. D. of Y. now King ; But in the Act of Attainder there is a Proviso and saving of all Cestuy que use, & Cestuy que trust, prout.

E. A. the Heir at Law of H. A. prefers his Bill in the Exchequer prout to have the Equity of the Proviso ; Answers were made, and he was relieved accordingly.

*The Answer of James Mountague
third Son of the late Right Ho-
nourable Henry Earl of Manche-
ster Defendant to the Bill of Com-
plaint of George Mountague the
said Earl's first Son Complainant.*

ALL and all manner of Exceptions
to the manifest incertainties, in-
sufficiencies and imperfections of the said
Bill of Complaint to this Defendant now
and at all times hereafter saved and re-
served ; This Defendant saith, That
the said Bill of Complaint exhibited a-
gainst him this Defendant, is by the Com-
plainant exhibited against him causelessly
to put this Defendant to unnecessary char-
ges, and without any just cause of Suit
against this Defendant. But for a full
and perfect declaration of the truth this
Defendant saith, That he doth not cer-
tainly know whether this Defendant's
Father died lawfully seized in his De-
mesne as of Fee of the Lordship or Man-
nor of *Colworth* in the Bill mentioned,
And of all those Pasture-grounds called
Colworth Pastures, and of that Water
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Corn-Mill called Pinch-Mill, or of other the Lands, Tenements and Hereditaments in *Colworth*, *Shambrooke*, *Soldrop* and *Fensham* in the Bill mentioned, nor what Legacy or Portion was left really and truly either to the Complainant or to this Defendant by their said Father's last Will and Testament. But this Defendant believeth that the said Earl hath left his Wife the Lady *Margaret*, now Countess Dowager of *Manchester* and other Executors of his said last Will and Testament, who ought to see this Defendants said late Father's said last Will and Testament performed, and see the Complainant paid his said Annuity of Fifty pounds *per Annum* (if any such Legacy were left the Complainant) as in the Bill of Complaint he doth set forth ; And for this Defendants more certainty therein, the Defendant referreth himself to his said Father's said last Will and Testament ; For this Defendant saith that there happened Suits between this Defendant and the now Earl of *Manchester* touching the said Lordship or Manor of *Colworth* as in the Bill is set forth. But this Defendant denieth that the said Suits were about their late Father's Bequests in his said last Will and Testament, as in the Bill is untruly alledged ;

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For his Defendant saith that the now Earl of *Manchester* did lay claim to part or the whole Lordship or Mannor of *Colworth*, as in the Bill is set forth; And this Defendant saith, that by the leave and appointment of the now Earl of *Manchester* he entred into the said Lordship or Mannor of *Colworth* and other the Premisses without any mention made that the said Premisses were any ways charged with the yearly Annuity of Fifty pounds *per Annum* to the Complainant, as in the Bill is set forth; And this Defendant was permitted to possess and enjoy the Premisses by the permission and sufferance of the now Earl of *Manchester* in and upon this consideration, That this Defendant delivered to the now Earl of *Manchester* a Deed-Pole of One hundred pounds *per Annum*, which was due unto this Defendant out of the Mannor of *Kymbolton* in the County of *Huntingdon*, and other Lands of this Defendant's Father, and the Arrears then due to this Defendant (by *nomine pænes* upon the said Deed-Pole,) which consideration given by this Defendant to the now Earl of *Manchester* did arise in the whole to the Summe of Eighteen hundred pounds or thereabouts. And this Defendant denieth that he hath since the decease of his said Father quietly and peaceably enjoyed the Rents

Rents and Profits of the said Mannor or Lordship of *Colworth*; Nor hath he ever received Three hundred pounds *per Annum* by vertue of a Lease or Grant made by this Defendant's Father to *John* and *George Hill* by vertue of his said Father's last Will, as in the Bill is alledged; But this Defendant saith that he held the said Lordship or Mannor of *Colworth* as from his Brother the Earl of *Manchester* for the Consideration that this Defendant did deliver the said Earl the said Deed-Pole and remitted him the (*nomine paxnati*) as aforesaid; And this Defendant saith that this Defendant did leave One hundred pounds in Gold in the hands of the Complainant about seven years since, which unto this day this Defendant hath not had a just account for from the Complainant; And this Defendant did leave One hundred pounds more in the hands of one Mr. *Binding*, Steward to the late Earl of *Manchester*, and the Complainant made use of part thereof, and of Thirty five or Thirty six pounds the Complainant received of one *George Hill* by the Assignment of the Defendant; And this Defendant gave the Complainant his Assignment to receive One hundred pounds more of one *Thomas Hill*; And this Defendant conceiveth that he was not to pay all this Money to the

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Complainant by vertue of his Father's said last Will and Testament being neither Executor of his Father's said last Will and Testament as aforesaid, but this Defendant did the same for natural love and quietness sake only; And this Defendant saith that it appeareth by the Complainant's own shewing that this Defendant's Fathers last Will and Testament was made void or waved by the now Earl of *Manchester*, for that the said now Earl of *Manchester* did lay claim unto the said Lordship or Mannor of *Colworth*, and commenced a Suit at Law against this Defendant at the Assizes in *Bedfordshire* since his Father's decease; But this Defendant utterly disclaimed the said Suit, as appeareth by the Records at *Bedfordshire* Assizes; And this Defendant denieth that he did ever promise to the now Earl of *Manchester* to pay the Complainant Fifty pounds *per Annum* Annuity at the sealing of any Writing by the said now Earl of *Manchester* to this Defendant, nor was there any Trust or Declaration made or mentioned as in the Bill is set forth; And this Defendant saith that the now Earl of *Manchester* detains from this Defendant all the Deeds, Bonds and Writings of the said Lordship or Mannor of *Colworth*, And denieth that he this Defendant

fendant had any Deed or Writing made
 in Trust unto him, Nor did his Defen-
 dant make any declaration or agreement
 to or with the now Earl of *Manchester*
 touching the paying, securing or assuring
 the said Annuity of Fifty pounds, or any
 Arrears to the Complainant as in the
 Bill is pretended; And this Defendant
 confesseth he denieth to pay the Com-
 plainant any Arrears for his Annuity of
 Fifty pounds *per Annum*, for that the Exe-
 cutors of his Father's said last Will and
 Testament ought to see the same Annu-
 ity, and the Arrears thereof paid and sa-
 tisfied as aforesaid, and not the Defen-
 dant as in the Bill is set forth; But this
 Defendant saith that this Defendant at
 the desire of the Complainant made this
 offer, That if the now Earl of *Manche-*
ster would be pleased according to his
 obligation to this Defendant to deliver
 to this Defendant his Deeds, Writings
 and Bonds concerning the said Lordship
 of *Colworth*, and a Letter of Attorney
 giving this Defendant power for the
 recovery of his Arrears from the Te-
 nants and the Rents due unto him out
 of the said Lordship or Mannor of *Col-*
worth, and when this Defendant were es-
 tated and paid his just Debts and Arrears,
 That then this Defendant would account
 and pay to the Complainant his Arrears

of his Annuity, and this Defendant conceives that it is but equity and justice that the Complainant be with-held from his Arrears untill this Defendant be paid his, for this Defendants Arrears are withheld from him, and all his Deeds, Bonds, Evidences and Writings of the said Lordship of *Colworth* by the now Earl of *Manchester* as aforesaid, untill this Defendant confirms the Complainant his Arrears, which this Defendant cannot certainly set forth what the Complainant is in Arrears of his said Annuity ; But for more certainty therein, this Defendant referreth himself to the Assignments that he this Defendant hath given the Complainant to receive the same ; And this Defendant conceives when the Complainant's part of Taxes is paid according to the Ordinance of Parliament made in that behalf ; And upon some former account had between the Complainant and this Defendant, the Complainant's Arrears will not arise near unto so much as in and by the Complainant's Bill of Account is set forth, this Defendant being allowed for the Arrears according as he hath been by the Complainant for former Taxes ; And if the Complainant hath received any damage, it hath been his own fault ; For this Defendant saith that he hath sent and constantly given a just
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account of the Taxes to the Complainant; And when he spake with the Complainant, the Complainant was willing to take part of his Arrears; And this Defendant writ to one *Thomas Hill* one of the Tenants of the said Lordship of *Colworth* to pay the Complainant One hundred pounds out of this Defendant's Arrears due to him this Defendant from the said *Thomas Hill* as Executor of one *George Hill*; And this Defendant doth confess that he doth now absolutely refuse to pay for the future his Annuity to the Complainant (nor never did) before pay or assign any Monies to the Complainant according to any Trust, Declaration or Agreement between this Defendant and the now Earl of *Manchester*; Nor did this Defendant ever promise to pay the Complainant any Annuity upon any agreement or sealing of any Deed or Writing between the now Earl of *Manchester* and this Defendant as in the Bill is alledged; But this Defendant doth not certainly know that all the Lordship or Mannor of *Colworth* was bequeathed to this Defendant by his Father's last Will and Testament; And if this Defendant had held it by virtue of the same Will of his late Father, he would have paid the said Rent charge of Fifty pounds to the Complainant; But this

this Defendant did not nor doth hold the the same but by the permission of the now Earl of *Manchester*, and under the now said Earl's Title as aforesaid, who voided his Father's said last Will and Testament, for this Defendant never had the full benefit of the said Lordship or Mannor of *Colworth* by vertue of his Father's said last Will and Testament, and now cannot receive his Rents in Arrear (nor ever did) according to the true meaning and purport of his said Father's last Will and Testament; But this Defendant saith that since the said Differences happened between him and the now Earl of *Manchester*, this Defendant hath been put to above One thousand pounds charge concerning the said Lordship of *Colworth*; And this Defendant conceiveth, as he is informed by his Counsel, that neither Law nor Equity can force this Defendant to pay the said Complainant his said Annuity or the Arrears thereof untill this Defendant receiveth the full Rents and Profits of the said Lordship of *Colworth*, and his Deeds, Bonds and Writings from the now Earl of *Manchester*, who detains the said Deeds, Bonds and Writings from this Defendant as aforesaid, and this Defendant doth not know that the third part of the now Earl of *Manchester's* Lands is kept from him,

account of the Taxes to the Complainant; And when he spake with the Complainant, the Complainant was willing to take part of his Arréars; And this Defendant writ to one *Thomas Hill* one of the Tenants of the said Lordship of *Colworth* to pay the Complainant One hundred pounds out of this Defendant's Arréars due to him this Defendant from the said *Thomas Hill* as Executor of one *George Hill*; And this Defendant doth confess that he doth now absolutely refuse to pay for the future his Annuity to the Complainant (nor never did) before pay or assign any Monies to the Complainant according to any Trust, Declaration or Agreement between this Defendant and the now Earl of *Manchester*; Nor did this Defendant ever promise to pay the Complainant any Annuity upon any agreement or sealing of any Deed or Writing between the now Earl of *Manchester* and this Defendant as in the Bill is alledged; But this Defendant doth not certainly know that all the Lordship or Mannor of *Colworth* was bequeathed to this Defendant by his Father's last Will and Testament; And if this Defendant had held it by virtue of the same Will of his late Father, he would have paid the said Rent charge of Fifty pounds to the Complainant; But

this

this Defendant did not nor doth hold the the same but by the permission of the now Earl of *Manchester*, and under the now said Earl's Title as aforesaid, who voided his Father's said last Will and Testament, for this Defendant never had the full benefit of the said Lordship or Mannor of *Colworth* by vertue of his Father's said last Will and Testament, and now cannot receive his Rents in Arrear (nor ever did) according to the true meaning and purport of his said Father's last Will and Testament; But this Defendant saith that since the said Differences happened between him and the now Earl of *Manchester*, this Defendant hath been put to above One thousand pounds charge concerning the said Lordship of *Colworth*; And this Defendant conceiveth, as he is informed by his Counsel, that neither Law nor Equity can force this Defendant to pay the said Complainant his said Annuity or the Arrears thereof untill this Defendant receiveth the full Rents and Profits of the said Lordship of *Colworth*, and his Deeds, Bonds and Writings from the now Earl of *Manchester*, who detains the said Deeds, Bonds and Writings from this Defendant as aforesaid, and this Defendant doth not know that the third part of the now Earl of *Manchester*'s Lands is kept from him,

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him, nor what Acts this Defendant's Father executed in his life-time, or what Conveyances he made of above two parts of his Lands to such uses as thereby he had spent his power of the said Mannor or Lordship of *Colworth* or other his Lands, as in the Bill is set forth, nor did this Defendant obscure the last Will and Testament and interest of his said Father to the said Lordship, Lands and Premises, as in the Bill of Complaint is pretended, nor did this Defendant ever promise to secure or pay the Complainant's Annuity or the Arrears thereof as in the Bill is alledged, Nor doth this Defendant know of what Tenure the said Mannor or Lordship of *Colworth* is now held, Nor can this Defendant say any more to any of the Charges in the Bill but what he hath already said and set forth by this his Answer; And without that, that any other matter or thing in the said Bill of Complaint contained, and not herein or hereby sufficiently answered unto, confessed or avoided, travers'd or deni'd, is true to the knowledge of this Defendant. All which matters and things this Defendant is and shall be ready to aver and prove as this Honourable Court shall award, and humbly prayeth to be hence dismiss'd with his reasonable costs and charges in this behalf wrongfully sustained, &c.

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The several Answers of Sir Edward Seabright Knight and Baronet, one of the Defendants to the Bill of Complaint of Edward Pritchard and Jane Pritchard, an Infant by the said Edward Pritchard her Father and Procaine amy Complainants.

THE said Defendant saying to himself now and at all times hereafter all advantages of Exceptions to the incertainties and insufficiencies of the said Bill of Complaint for Answer unto so much thereof as doth any way concern this Defendant to make Answer unto; He answereth and saith, that he this Defendant did about the Year of our Lord God One thousand six hundred forty and three take to Wife the other Defendant the Lady *Elizabeth*, And saith that he is a Stranger to all and every the matters and things charged in and by the said Bill of Complaint, the same for the most part being acted and done before this Defendants intermarriage with the other Defendant the Lady *Elizabeth*, And since his Marriage with the said Lady *Elizabeth* this Defendant hath not any way

medled with any the matters or things alledged in the said Bill either of the Estate of the said other Defendant *Edward Mansell*, or any the Personal Estate of the said *Sir Thomas* or *Sir Lewes Mansell*, but is a Stranger thereunto, but leaveth the discovery of the truth in all and every the matters in the said Bill of Complaint complained of to the Answer of the other Defendant his Wife, And therefore to her Answer referreth himself, and cannot make any other Answer to the said Bill of Complaint, Without that, that any other matter or thing in the said Bill contained material or effectual in the Law for this Defendant to Answer unto, and not herein and hereby sufficiently answered unto, confessed and avoided, traversed or denied, is to this Defendant's knowledge true. All which matters and things this Defendant is ready to averre, maintain and prove, &c.

Predict. Def. prestitit Sacram. suum Corporal. apud Le Moore in Com. Wicgorn. octavo die Januarii anno Dom. Millesimo sexcentesimo quinquagesimo coram nobis

William Bissill.
Ja. Browne.

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The several Answer of the Right Honourable the Lady Elizabeth Seabright, one of the Defendants to the Bill of Complaint of Edward Pritchard Esquire, and Jane Pritchard an Infant by the said Edward Pritchard her Father and Procheinemy her Guardian Complainants.

THE said Defendant saving to herself now and at all times hereafter the benefit and advantage of Exception to the manifold incertainties and insufficiencies of the said Bill of Complaint for Answer unto so much thereof as any way concerneth this Defendant to make Answer unto, saith, that she doth not know that the said Complainant *Edward Pritchard* is Administrator to *Mary* his late Wife deceased, nor that the said Complainant *Jane Pritchard* is Executrix of the pretended last Will and Testament of the said *Jane Mansell* deceased; And if she the said *Jane Pritchard* be named Executrix in such pretended last Will of the said *Jane Mansell*, yet this Defendant saith that she is informed by her Counsel that by Law she the said Complainant

plainant *Jane* (who is as appeareth by the said Bill of Complaint but of the Age of eleven years or thereabouts) is not capable of the said Executrixship but Administration with the said pretended Will annexed during the Minority of the said Complainant *Jane* ought to be granted to some person for and on the behalf and as Guardian to her the said Complainant *Jane*, so that the said Complainant *Jane* doth not by the said Bill of Complaint make her self a person capable to sue these Defendants in this Honourable Court as this Defendant is advised. Of all which this Defendant hopeth this Honourable Court will take due consideration; Nevertheless for satisfaction to this Honourable Court, this Defendant saith that she is neither Executrix nor Administratrix to the said Sir *Thomas Mansell* in the Bill named, and in that respect can no otherwise set forth his Personal Estate then by referring her self to the Inventory of his Personal Estate preferred by the said Sir *John Stradling* in the Bill named, who (as the said Complainant doth acknowledge) was Executor to the said Sir *Thomas Mansell*; And this Defendant being neither Executrix nor Administratrix to the said Sir *Thomas Mansell* cannot give any account of such his said Personal Estate; And this Defendant

Defendant believeth that the said Sir *Thomas Mansell* was in his life-time seized to him and his Heirs of and in the Mannor and Lands in the Bill mentioned ; And this Defendant saith that she hath heard that the said Sir *Thomas Mansell* did make some Writing purporting his last Will, and did thereby endeavour to devise such Legacies to the Daughters of the said *Arthur Mansell* as in the said Bill of Complaint is set forth ; But this Defendant doeth not know or believe that the said Sir *Thomas Mansell* did devise the Mannor, Lands and Premises in the said Bill of Complaint mentioned to the said Sir *John Stradling* for the term of One and twenty years, or for any other term upon any such Trust as in the said Bill of Complaint is pretended ; Nor indeed could the said Sir *Thomas Mansell* as this Defendant is advised by her Counsel make any such Devise of the said Mannors and Lands as in the said Bill of Complaint is pretended ; For this Defendant saith that she hath heard and believeth it to be true that the said Sir *Thomas Mansell* being in his life-time seized to him and his Heirs of the said Mannors and Lands, did by certain Indentures Tripartite, bearing date on or about the Twentieth day of *December* in the One and twentieth year of the Reign of the late King *James* over
England,

England, &c. made, sealed and delivered between him the said Sir *Thomas Mansell* of the first part, Sir *Francis Mansell* his Brother and Sir *Thomas Aubrey* Knight of the second part, and Sir *Edward Stradling* Knight and *William Price* Esquire of the third part, and by other good and sufficient assurances in the Law convey and assure amongst other things and Lands, All those his Lordship's Mannors and Lands in the said Bill of Complaint mentioned, with their Rights, Members and Appurtenances, and all that the Park called the *Castle-Park* or *New-Park* to be, and remain after his decease, To such uses, intents and purposes, and of and for such Estate and Estates, and under and upon such Conditions, Powers and Limitations, and in such manner and form and to all intents and purposes as he the said Sir *Thomas Mansell* in or by any writing to be by him subscribed with his Name and sealed with his Seal in the presence of three or more credible Witnesses, or by his last Will and Testament in writing so sealed and subscribed as aforesaid should limit, appoint and declare; And this Defendant denieth that to her knowledge the said Sir *Thomas Mansell* did pursue his Power and the Condition in the said Indenture Tripartite contained, and to him the said Sir

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Thomas Mansell thereby reserved, for this Defendant doth not know nor believe that there were any Witnesses at all subscribed to such pretended Will, or that the said Sir *Thomas Mansell* did subscribe his Name or put his Seal thereunto in the presence of Three or more credible Witnesses ; And therefore as this Defendant is advised by her Counsel such Devise, Limitation or Appointment by him pretended to be made, as to the said Mannors, Lordships and Lands in the Bill mentioned was and is of no validity in the Law, but utterly void ; Nor can any bare recital that a Power is pursued make it so to be when as the same was not pursued ; And this Defendant denieth that the said Sir *Thomas Mansell* did or could any way Devise the said Lordships, Mannors, Park and Lands in the Bill mentioned to the said Sir *John Stradling* otherwise then with reference to the Power by him reserved in and by such Indenture of Settlement as aforesaid, which not being pursued did make the Devise void ; And this Defendant believeth the said Sir *Thomas Mansell* died on or about the time in the said Bill of Complaint mentioned ; And this Defendant saith that she doth believe that the said Sir *John Stradling* did make Probate of such pretended Will in the Prerogative

tive Court *in Communi forma*; And this Defendant denieth that the said Sir *John Stradling* did receive the Rents, Issues or Profits of the said Mannors, Lands and Premisses as by the said Bill of Complaint is pretended; And this Defendant saith that after the death of the said Sir *Thomas Mansell*, the said Sir *Lewis Mansell* being willing out of his goodness, that the Daughters of the said *Arthur Mansell* should have some provision, and to take off the Clamour of the pretended Legatees, did make over to the said Sir *John Stradling* the Mannor of *Lisworney* in the County of *Glamorgan* for a provision sufficient (as this Defendant believeth) to satisfy all the Legacies pretended to be devised to the Daughters of the said *Arthur Mansell*, and in consideration thereof the said Sir *John Stradling* did grant and surrender his pretence and title to the Premisses in the Bill pretended to be devised to the said Sir *John Stradling* by the said Sir *Thomas Mansell* to the said Sir *Lewis Mansell*, who was Son and Heir to the said Sir *Thomas*, and seized of the Inheritance of the said Premisses, and by such Grant or Surrender the pretended Lease of the said Premisses was drowned in the Inheritance; And this Defendant saith that she hopeth that she shall prove that the said Sir *John Stradling*

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ling did raise a great Summe of Money by the said Mannor and Lands of *Lisworney* so assured unto him by the said Sir *Lewis Mansell*, and did raise as much as would have satisfied and paid the said pretended Legacies pretended to be devised to the Daughters of the said Sir *Arthur Mansell*, And the said Sir *John* did thereout and thereby pay divers of the said pretended Legacies ; And this Defendant hopeth to prove that the said Sir *John Stradling* did pay to the said Complainant *Edward* in the right of *Mary* his Wife the Legacy pretended to be to her devised by the said pretended last Will of the said Sir *Thomas Mansell*, and that the said Complainant received the same, and gave an Acquittance for the receipt thereof to the said Sir *John Stradling*, and that also the said *Katherine* the second Sister received her pretended Legacy of the said Sir *John Stradling* ; And this Defendant hopeth to prove that the Legacy of *Elizabeth* one other of the Sisters was secured by the said Sir *John Stradling* by part of the said Mannor of *Lisworney*, so by the said Sir *Lewis* assigned over to the said Sir *John Stradling* ; And this Defendant saith that the said Sir *John Stradling* did pay divers other pretended Legacies, and he the said Sir *John Stradling* and his Executors or Administrators are for ought

tive Court *in Communi forma*; And this Defendant denieth that the said Sir *John Stradling* did receive the Rents, Issues or Profits of the said Mannors, Lands and Premisses as by the said Bill of Complaint is pretended; And this Defendant saith that after the death of the said Sir *Thomas Mansell*, the said Sir *Lewis Mansell* being willing out of his goodness, that the Daughters of the said *Arthur Mansell* should have some provision, and to take off the Clamour of the pretended Legatees, did make over to the said Sir *John Stradling* the Mannor of *Lisworney* in the County of *Glamorgan* for a provision sufficient (as this Defendant believeth) to satisfy all the Legacies pretended to be devised to the Daughters of the said *Arthur Mansell*, and in consideration thereof the said Sir *John Stradling* did grant and surrender his pretence and title to the Premisses in the Bill pretended to be devised to the said Sir *John Stradling* by the said Sir *Thomas Mansell* to the said Sir *Lewis Mansell*, who was Son and Heir to the said Sir *Thomas*, and seized of the Inheritance of the said Premisses, and by such Grant or Surrender the pretended Lease of the said Premisses was drowned in the Inheritance; And this Defendant saith that she hopeth that she shall prove that the said Sir *John Stradling*

ling did raise a great Summe of Money by the said Mannor and Lands of *Lisworney* so assured unto him by the said Sir *Lewis Mansell*, and did raise as much as would have satisfied and paid the said pretended Legacies pretended to be devised to the Daughters of the said Sir *Arthur Mansell*, And the said Sir *John* did thereout and thereby pay divers of the said pretended Legacies ; And this Defendant hopeth to prove that the said Sir *John Stradling* did pay to the said Complainant *Edward* in the right of *Mary* his Wife the Legacy pretended to be to her devised by the said pretended last Will of the said Sir *Thomas Mansell*, and that the said Complainant received the same, and gave an Acquittance for the receipt thereof to the said Sir *John Stradling*, and that also the said *Katherine* the second Sister received her pretended Legacy of the said Sir *John Stradling* ; And this Defendant hopeth to prove that the Legacy of *Elizabeth* one other of the Sisters was secured by the said Sir *John Stradling* by part of the said Mannor of *Lisworney*, so by the said Sir *Lewis* assigned over to the said Sir *John Stradling* ; And this Defendant saith that the said Sir *John Stradling* did pay divers other pretended Legacies, and he the said Sir *John Stradling* and his Executors or Administrators are for ought

ought this Defendant doth know to the contrary still liable and chargeable to pay the said pretended Legacies if any of them are unpaid ; And this Defendant doth not know nor believe that the said Sir *John Stradling* did transfer, assign and deliver unto the said Sir *Lewis Mansell* or his Assigns either the Personal Estate of the said Sir *Thomas Mansell*, or the said Mannors, Lordships, Park and Lands in Trust as is pretended for to satisfy the Legacies of the Daughters of the said Sir *Arthur Mansell* ; And if any such Assignment was made as is pretended, this Defendant believes the same was made for a good consideration given by the said Sir *Lewis Mansell* to the said Sir *John Stradling*, and not upon any Trust at all to this Defendant's knowledge, nor doth this Defendant know what Covenants are contained in such pretended Assignment, nor doth this Defendant know that the said Sir *Lewis Mansell* by force of such pretended Assignment did to satisfy the Legacies of the Daughters of the said *Arthur Mansell* take into his hands and custody the Personal Estate of the said Sir *Thomas Mansell* ; Nor doth this Defendant believe that the said Sir *Lewis* became possessed of the said Mannors, Lordships, Park and Lands in the Bill mentioned upon any such Trust ;

But

But this Defendant believes that the said Sir *Lewis Mansell* became possessed of the said Mannors, Lordships, Park and Lands as Heir to his said Father, or by vertue of the aforesaid Settlement made in and by the said Indenture Tripartite, or by vertue of some other Settlement, and not by vertue of such pretended Assignment for any such purpose as by the said Bill is pretended, nor doth this Defendant know that the said Sir *Lewis Mansell* did pay any of the pretended Legacies pretended to be Devised by the last Will and Testament of the said Sir *Thomas Mansell*, nor did the said Sir *Lewis* pay any the Debts of the said Sir *Thomas Mansell* to this Defendant's knowledge, but the said Sir *John Stradling* paid or was to pay the same for ought this Defendant doth know to the contrary; And the said Sir *John Stradling* did pay divers of the Debts of the said Sir *Thomas Mansell* and received Acquittances; And this Defendant saith that the said Sir *Lewis Mansell* did make his last Will and Testament in writing, and thereof did make this Defendant his then Wife his Executrix, and shortly after died; And for the value of the Personal Estate that the said Sir *Lewis* died possessed of this Defendant, saith, that she is advised by her Counsel that she is not bound to make the

the said Complainant any account thereof, seeing that this Defendant hath before set forth that she doth not know the value of the Personal Estate of the said Sir *Thomas* that came to the said Sir *Lewis*, nor doe the said Complainants or any of them intitle themselves to the Personal Estate of the said Sir *Lewis Mansell*. Yet howsoever for the better satisfaction of the said Complaints, this Defendant referreth her self to the Inventory by her exhibited into the Spiritual Court ; And this Defendant believeth as before, that the said Sir *Lewis Mansell* did never to this Defendant's knowledge pay any the pretended Legacies pretended to be Devised by the last Will of the said Sir *Thomas*, nor hath to this Defendant's knowledge raised the Summe of Five thousand pounds for the Daughters of the said Sir *Lewis* by vertue of such pretended Devise, but what Monies have been raised and paid by vertue of such Devise and Assignment were done by the said Sir *John Stradling*, and not by the said Sir *Lewis Mansell* to this Defendant's knowledge ; And this Defendant doth not know that she the said *Jane Mansell* made her last Will and Testament in writing, and thereby gave her pretended Legacy unto the said Complainant *Jane*, nor whether the said *Jane* hath duely proved the

the said Will by the said other Complainant her Father, as by the said Bill of Complaint is pretended ; And this Defendant is advised by her Counsel that the said pretended Legacies are not chargeable upon the Personal Estate of the said Sir *Lewis* for the Reasons afore-said ; Nor ought this Defendant, as she is advised, to satisfy the said pretended Legacies, for this Defendant saith as before, that the said Sir *Lewis* made over to the said Sir *John Stradling* Lands whereby to raise Money to satisfy the same, and the said Sir *John Stradling* did accordingly thereby raise as much as would have paid the said Legacies to the Daughters of *Arthur Mansell*, and if he did not pay such Legacies according to the Trust in him reposed, it was his fault, and his Estate ought, as she is advised, to be liable to pay the same, and not Sir *Lewis Mansell*. And this Defendant confesseth, that on or about the month of *April* One thousand six hundred forty and three, this Defendant married with the said Sir *Edward Seabright* ; But this Defendant de- ceth, That they or either of them have administred or disposed of the Personal Estate of the said *Thomas Mansell*, but this Defendant the Lady *Elizabeth* hath possessed her self of the Personal Estate of the said Sir *Lewis Mansell* as his Executrix

as aforesaid, which was not sufficient to pay the Debts of the said Sir *Lewis*; And this Defendant doth deny, That she this Defendant, or to her knowledge, the said other Defendant her Husband hath or have in their hands Assetts of the Personal Estate of the said Sir *Thomas Mansell* or of Sir *Lewis Mansell* to pay the said pretended Legacies; Nor doth this Defendant conceive, That they or either of them are liable and chargeable in Equity to pay the said pretended Legacies or any of them for the reasons aforesaid. And this Defendant believeth, That the said pretended Will of the said Sir *Thomas Mansell* is not sufficiently witnessed; Nor doth this Defendant know, That the said Sir *Thomas* did duely publish the same, nor did the said Sir *Lewis Mansell* to the Defendant's knowledge ever consent to or allow of the same, or was any way satisfied with the said Will, but believed the contrary. And this Defendant doth deny, That she did ever endeavour to suppress the pretended original Will of the said Sir *Thomas Mansell*; Nor doth this Defendant understand how she suppressed the same, seeing, That by the said Bill of Complaint it appeareth, That the said Sir *John Stradling* hath duely proved the same, and such Will as so proved is still remaining, wherefore

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Probate was made for ought this Defendant knoweth to the contrary. And this Defendant saith, That she is advised by her Counsel, That the said Mannors, Lands and Premisses ought not to be liable to the payment of the said pretended Legacies, for that the said *Sir Thomas Mansell* did not pursue his Power to him by the said Indentures reserved as aforesaid. And if the said *Sir John Stradling* did make such Assignment unto the said *Sir Lewis Mansell*, it was for a good consideration given by the said *Sir Lewis*, and the Executors or Administrators of the said *Sir John Stradling* are still liable to the payment thereof, as aforesaid, he having sufficient Estate assured over to him by the said *Sir Lewis Mansell*, wherewithall to satisfy and pay the same pretended Legacies to the said Daughters, nor did the said *Sir Lewis* to this Defendant's knowledge perform the said pretended Will; And this Defendant saith, That to the use of the said other Defendant *Sir Edward Mansell* she hath received the Rents, Issues and Profits of the said Mannors, Park, Lands and Premisses as son and Heir to the said *Sir Lewis*. And this Defendant doth deny, That she hath the said Will and Assignment, or either of them, or doth know what is become of the same. Without that, that any

other matter or thing in the said Bill contained material or effectual in the Law for this Defendant to make answer unto, and not herein and hereby sufficiently answered unto, confessed and avoided, traversed or denied, is to this Defendant's knowledge true. All which matters and things this Defendant is and will be ready to aver, maintain and prove, as this Honourable Court shall Award; And humbly prays hence to be dismissed with her reasonable Costs and Charges in this behalf most wrongfully sustained, &c.

*Edm. Prideaux.
William Sanford.
John Maynard.*

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The several Answers of Sir E. M. Baronet, an Infant, by G. M. Esq; his Guardian, one of the Defendants, to the Bill of Complaint of E. P. Esq; and J. P. Infant, by the said E. P. her Father and Prochein Amie, her Guardian, Complainants.

THe said Defendant saying to himself now and at all times hereafter the benefit and advantage of Exception to the manifest incertainties and insufficiencies of the said Bill of Complaint, For Answer unto so much thereof as any ways materially concerneth him this Defendant, as he is advised by his Counsel to make Answer unto, saith, That he doth not know that the said Complainant *E. P.* is Administrator to *M.* his late Wife deceased, nor doth this Defendant know that the said Complainant *J. P.* is Executrix of the pretended last Will and Testament of the said *J. M.* and if she the said *J. P.* be named Executrix in such pretended last Will of the said *J. M.* Yet this Defendant saith, That he is informed by his Counsel, that by Law she the said Complainant *J.* who, as appears by the said Bill of Complaint

to be but of the age of eleven years or thereabouts, is not capable of the said Executorship, but Administration with the said Will annexed, during the minority of the said J. ought to be granted to some person for and on her behalf, So that the said J. the Complainant doth not by the said Bill of Complaint make her self a person capable to sue this Defendant in this Honourable Court. Of all which this Defendant hopes this Honourable Court will take due Consideration. Nevertheless for satisfaction to this Honourable Court this Defendant saith, That he doth not know that the said Sir T. M. in the Bill named this Defendants late Grandfather, was in his life, time, or at the time of his Death possessed of such personal Estate as by the said Bill of Complaint is pretended, nor doth this Defendant know of what personal Estate the said Sir T. M. died possessed, nor can set forth the particulars, nor the value thereof, nor the quality or nature thereof, nor doth the same, as this Defendant is advised by his Counsel, any way at all concern him this Defendant, nor doth this Defendant know what Lands the said Sir T. M. was seized of in his life time, or at the time of his death, nor doth know how he was enabled to dispose of the Lands

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in the Bill mentioned, or any part thereof, or of any other Lands, nor doth know how he disposed of the said Lands, or any part thereof, or of any other Lands whatsoever. Nor doth this Defendant know that the said Sir *T. M.* did make such Will, or thereby devised such Legacies as by the said Bill of Complaint is pretended, nor doth this Defendant know what Will the said Sir *T. M.* made, nor what Legacies he thereby bequeathed, nor how, and in what manner, nor what provision he thereby made for the payment, satisfying and discharging of his Debts, Legacies and funeral Expences, nor whom he made Executor of such pretended Will. For this Defendant saith, That such Will, and all other the passages concerning the same were acted, as this Deft. believeth before this Deft. was born. And this Deft. doth not know that the said Sir *J. S.* did ever make probate of such pretended Will, nor whether by vertue of the Probate of such pretended Will he received the Rents, Issues, and Profits of the said Premises, nor whether he paid any the Debts and pretended Legacies of the said Sir *T.* And this Defendant doth not know that the said Sir *J. S.* did make such Assignment of the said Premises and personal Estate or either of them to the

saïd Sir *L. M.* this Defendants late Father, as in the saïd Bill is pretended, upon such Trust as in the saïd Bill is mentioned or upon any Trust at all Nor doth this Defendant know what Covenants are in such pretended Assignment contained. For this Defendant did never see any such pretended Deed of Assignment, and if there be such Covenants as is pretended, the Executors of the saïd Sir *J. S.* may take advantage thereof as cause shall require. Nor doth this Defendant know that the saïd Sir *L. M.* did by force of any such pretended Deed of Assignment, take into his hands the personal Estate, and become possessed of the Manours and Lands subject to such pretended Trust, Nor doth this Defendant know that the saïd Sir *L. M.* did pay any the Debts and Legacies of his saïd Father, as is pretended, nor had cause so to doe, as this Defendant is advised. And this Defendant hath heard and believeth, that if any such assignment was made, as is pretended, he the saïd Sir *L. M.* did give the saïd Sir *J. S.* some valuable consideration for the same, and that the saïd Sir *J. S.* did undertake to satisfie and pay the Debts and Legacies of the saïd Sir *T. M.* and accordingly did satisfie and pay all or most part of his Legacies, and if he did not, yet

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he the said Sir J. S. as this Defendant is informed by his Counsel, and his Executors are liable to the payment thereof, and not this Defendants late Father, nor his Estate. Nor doth this Defendant believe that the said Sir L. M. or his Estate did any way become liable or chargeable to perform the Will of the said Sir T. M. or to satisfie or to pay his Debts or Legacies, or doth this Defendant believe that this Defendants Father did satisfie or pay any the Legacies bequeathed by the said Sir T. M. nor had cause so to doe, being neither Executor nor Administrator to the said Sir T. M. for ought appeareth by the said Bill of Complaint. And this Defendant doth not know what Will the said Sir L. M. made, Nor doth this Defendant know the value of the personal Estate that his said Father died possessed of either of his own or of the said Sir T. M. And this Defendant doth not know that the said other Defendant his Mother, or any other, by vertue of such pretended Assignment, became possessed of the said Manours, Lordships and Premisses mentioned in the said Bill of Complaint, or any part thereof, or under such pretended Title did or doth hold the same, and take the Rents, Issues and Profits thereof, or did thereby, or otherwise, satisfie

satisfie or discharge any the Legacies of the said Sir *T. M.* as by the said Bill of Complaint is pretended. And this Defendant doth not know when the said *E. M.* died, nor of what age she was when she died, or whether she died Intestate or not, Nor doth this Defendant know how many Sisters the said *E.* had living at the time of her decease. And this Defendant doth not know that the said *J. M.* made her last Will and Testament, and thereby gave her right pretended to be given by her Grandfather to the said Complainant *J.* as by the said Bill is pretended, nor whom she made Executor or Executrix thereof, nor whether the said *J.* hath proved such pretended Will by the said Complainant *E.* her Father, nor doth this Defendant know that Administration of the said *M.* is duly granted to the said Complainant *E.* nor what Interest the said Complainant *E.* hath in and to such pretended dividend as is pretended, nor doth this Defendant know whether the said other Defendant the Lady *E.* hath Assets to pay the several pretended Legacies in the said Bill of Complaint pretended to be due to them, nor doth this Defendant know how the said other Defendants are any way chargeable to pay any such pretended Legacies, nor

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how they, or either of them, have disposed of the Estate of the said Sir *T.* and Sir *L. M.* deceased. And as for the pretended Will of the said Sir *T. M.* this Defendant denieth as before that he ever saw any such pretended Will. And this Defendant saith, that he is advised by his Counsel that such pretended Will of the said Sir *T. M.* as to the said Manor and Lordship in the Bill mentioned, if any such were, as is pretended, is void in Law, for that he had, as this Defendant is advised, no good Estate or Power to devise the same, And this Defendant denieth that he hath or doth endeavour to suppress such pretended Will of the said Sir *T. M.* for this Defendant never saw the same. And the said Defendant saith, That the said Manour and Lands in the Bill mentioned are, as this Defendant conceives, descended, or by virtue of some settlement come to and upon the Defendant, as Son and Heir of the said Sir *L. M.* who was Son and Heir of the said Sir *T. M.* and some of this Defendants friends, who are trusted for this Defendant, to receive the Rents, Issues and Profits during this Defendants Minority to this Defendants use. And this Defendant doth not know that the said Sir *L. M.* was well satisfied with the validity of the

the said pretended Will of the said Sir T. or did ever perform the same or any part thereof. And this Defendant doth not know or believe, That his said Father did ever take or conceive the said pretended Will to be a good or a valid Will. And this Defendant is advised that he the said Sir J. S. and his Executors or Administrators are, as this Defendant is advised by Counsel, still liable and chargeable to pay the said pretended Legacies, if any of them are unpaid, as is pretended, and not the said Sir L. M. nor his Estate nor the said other Defendants, as this Defendant is advised by his Counsel. And without that that any other matter or thing in the said Bill of Complaint contained material or effectual in the Law for this Defendant to answer unto, and not herein and hereby sufficiently answered unto confessed and avoided traversed or denied, is to this Defendants knowledge true. All which matters and things this Defendant, &c.

*Tho. Widrington
William Sanford.
Ri. Newdigate.*

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*The joint and several Answers of
A. B. J. B. and J. W. three of the
Defendants to the Bill of Com-
plaint of the Master, Brethren and
Sisters of the Hospital of St. Ka-
therines near the Tower of Lon-
don, Complainant.*

ALL advantage of Exceptions to the
incertainty and insufficiency of the
said Complainant's Bill now and at all
times hereafter to the said Defendants,
saved : by Protestation, not confessing or
acknowledging any thing therein con-
tained wherewith the said Defendants or
either of them are charged or chargeable
to be true in such sort as the matters there-
in are set forth and alledged. Never-
theless for full and perfect Answer there-
unto, or unto so much thereof as doth any
way concern these Defendants or either
of them to make answer unto, they an-
swer and say as followeth : And first,
the said *A. B.* saith that one *E. P.* of
Stratford-Bow in the County of *Middle-*
sex, Gent. by his Indenture of Lease
bearing date the Twentieth day of *De-*
cember in the One and twentieth year of
the Reign of our late Sovereign Lord
King

King *James* of famous Memory for the Considerations therein expressed did demise, betake and farm-lett unto one *A. H.* of *London*, his Majesty's Post for beyond Seas, his Executors, Administrators and Assigns, All that Messuage or Tenement in the Bill mentioned now in the tenure or occupation of him this Defendant, situate and being in the Parish of Saint *Katherines Coleman*, in the Bill mentioned, To hold for the term of One and twenty years, from the Feast of the Birth of our Lord God next after the date of the said Indenture; under such Rents, Reservations, Covenants, Conditions and Agreements as in the said Indenture are expressed (as in and by the said Indenture of Lease, whereunto for the more certainty in all things in that behalf, this Defendant referreth himself, relation being thereunto had, more fully and at large it doth and may appear) By and under which said Lease this Defendant about *July* last was Twelve months became possessed and interessed of and in the said Messuage and Premises for and during the remainder of the said term of One and twenty years, and this Defendant hath ever since held and enjoyed the same. And this Defendant further saith, that one *D. T.* Citizen and Grocer of *London* by his Indenture of Lease bearing

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bearing date the Three and twentieth day of *February* in the Twelfth year of the Reign of our Sovereign Lord the King's Majesty that now is, for the consideration therein expressed, did grant, bargain, sell, assign and set over all his Estate, Right, Title and Term of years of, in and to one other Messuage or Tenement in the Bill mentioned, now likewise in the tenure or occupation of him this Defendant unto one *W. B.* of *London*, Gent. his Executors and Assigns; by vertue of which said Lease he the said *W. B.* became possessed of the said Messuage or Tenement, and being thereof so possessed about years, and since died; by and after whose decease the said Messuage or Tenement during the remainder of the said Lease came unto *A. B.* Wife of the said *W.* as his Executrix; and about two years since this Defendant marrying the said *A. B.* became and is possessed and interessed of and in the remainder of the said term; And this Defendant hath ever since that time held and occupied the same in Right of the said *A.* But this Defendant doth utterly deny, That to his this Defendant's knowledge any cheif Rent or Rents, or other Services or Summes of Money whatsoever were ever paid or done, or of right ought to be paid or done out of or for

for the said Messuages or Tenements, or either of them, unto the said Master, Brethren and Sisters, or to the Collectors or Receivers of the said Hospital, or to any other person or persons whatsoever to or for their or any of their use or uses, or by their or any of their appointment. And this Defendant *J. B.* saith, that he this Defendant by vertue of a Lease bearing date the Seventeenth day of *September Anno Dom.* One thousand six hundred thirty two made unto him this Defendant by one *T. S.* Citizen and Brown-Baker, *London*, for the term of Fourteen years from the date thereof; He this Defendant about *Michaelmas* One thousand six hundred thirty two became possessed and interressed of and in one Messuage or Tenement in the Parish of *St. Katherines Cree-church* within *Aldgate, London*, and hath ever since occupied and enjoyed the same. But this Defendant doth deny that to his this Defendant's knowledge any chief Rent or Rents, Summe or Summes of Money, or other Service whatsoever were ever paid, or of right ought to be paid out of or for the said last mentioned Messuage or Tenement, or any part or parcel thereof unto the said Master, Brethren and Sisters of the Hospital of *St. Katherines*, or to the Collectors or Receivers of

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of the said Hospital, or to any other person or persons whatsoever to or for their or any of their use or uses, or by their or any of their appointment in any manner of sort whatsoever; And this Defendant *G. W.* saith that he this Defendant by vertue of a Lease bearing date the Six and twentieth day of *March* One thousand six hundred thirty four made unto him this Defendant of a Messuage or Tenement in the Parish of *St. Ethelbrough Bishopsgate, London*, by one *W. B.* Citizen and Draper of *London*, he this Defendant became possessed and interessed of and in the said Messuage or Tenement for the term of Twelve years, and he this Defendant hath ever since held, occupied and enjoyed the same; But this Defendant doth deny, That to his this Defendant's knowledge any chief Rent or other Rent or Rents, Summe or Summes of money, or any other Service whatsoever were ever paid or of right ought to be paid or done out of, for, or by reason of the said last mentioned Messuage or Tenement, or any part or parcel thereof unto the said Master, Brethren and Sisters of the Hospital of *St. Katherine*, or to the Collectors or Receivers of the said Hospital, or to any other person or persons whatsoever to or for their or any of their use or uses, or by their or any

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of their appointment or directions ; And these Defendants and every of them do deny that they these Defendants or any of them have or ever had to the knowledge of them or any of them, any Deeds, Evidences, Rentals, or any other writing or writings, thing or things whatsoever, which doe or ever did any ways concern the said Master, Brethren and Sisters or any of them, or any of the Plaintiffs in any manner of sort whatsoever ; Nor doe these Defendants or any of them to their knowledge hold any Lands, Houses or Tenements whatsoever of the Complainants or any of them ; neither doe they or any of them know or believe that any chief Rent or other Service whatsoever is or ever was due to be paid or done unto the Complainants or any of them for or in respect of the Premisses or any part thereof ; and if any such Rent or Service be due, the Plaintiffs may recover the same at Law for ought these Defendants doe know to the contrary. And these Defendants doe likewise deny all and all manner of Practice, Combination and Confederacy whatsoever either among themselves or with any other of the Defendants, or with the Collectors, Receivers or Rent-gatherers of the said Hospital, or with any person or persons trusted or imployed for the receiving

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collecting or gathering of any Rents or Summes of money whatsoever, or with any other person or persons whatsoever in any manner of sort whatsoever, neither doe these Defendants or any of them hold or enjoy any House or Houses, Lands or Tenements whatsoever in the Bill mentioned other then such and in such sort as is herein before set forth. And without that, that there is any other matter or thing in the said Bill of Complaint contained material or effectual for these Defendants or any of them to make answer unto and not herein and hereby well and sufficiently answered unto confessed and avoided traversed or denyed is true All which matters these Defendants are and will be ready to aver maintain and prove as this Honourable Court shall award. And humbly pray to be from hence dismissed with their reasonable Costs and Charges in this behalf most wrongfully sustained.

Edward Rich.

The joint and several Answers of H. S. and R. D. Church-wardens of the Minorities without Aldgate, London, Defendants to the Bill of Complaint of H. M. Esq; Master of the Hospital of St. Katherine near the Tower of London, in the County of Middlesex, and the Brothers and Sisters of the said Hospital, Complainants.

THE said Defendants saving unto themselves now and at all times hereafter all advantage and benefit of Exception to the incertainties, insufficiencies and manifold imperfections and defects in the said Bill of Complaint contained for answer thereunto, say and doe deny that they or any by or under their Appointment, Estate or Interest, or by Appointment, Estate or Interest of any of their Predecessors, Church-wardens of the said Church of the *Minorities* to these Defendant's knowledges, doe or did in the right of the said Church or otherwise hold or occupy the said piece of ground in the Bill mentioned, whereupon a House was since built called the *Town-house*, sometimes belonging to the

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late dissolved Priory of the *Minories* without *Aldgate, London*; neither doe these Defendants know of any House that is or was so called, or what House and Lands the Complainants mean and intend by their said Bill, neither doe they know of any Rent due and payable, or which hath been paid to the Hospital of Saint *Katherine*, or to the Masters, Brothers and Sisters of the said Hospital by these Defendants or others their Predecessors, Church-wardens of the said Church of the *Minories*, neither doe they know that any ever was demanded of them untill this Bill exhibited, neither doe these Defendants or any other in the right of the said Church to their knowledge hold any thing of or with-hold any thing from the said Hospital. And these Defendants deny that they or either of them by casual or other means have or hath got into their or either of their hands, custody or possessions divers or any Deeds, Counter-parts of Deeds, Surveys, Books of Accompt, or ancient Rentals of the said Hospital of St. *Katherine*, And deny that they by combination, negligence or default of some late Receiver, Rent-gatherer or other Officer of the said Hospital have forborn to pay the said Rents, neither is there any reason why they should pay any Rent to the said Hospi-

tal, their being none for ought they know due to them, which these Defendants the rather believe, because all the *Minorities* is the King's Majesty's proper inheritance. And these Defendants deny that they by Combination fraudulently did or have changed, altered or concealed the present occupiers of any Houses, Lands and Tenements purposely to molest and vex the Complainants with multiplicity of Suits, and also deny that they have purposely to make the Bounds unknown, converted, used or intermixed the Land in the Bill of Complaint mentioned, or any Land with other Buildings, neither doe they know of any Messuages or Lands so obscured or intermixed. Without that, that any other matter or thing in the said Bill of Complaint contained material or effectual in the Law to be answered unto by these Defendants or either of them, and not herein well and sufficiently answered unto, confessed and avoided, traversed or denied is true. All which matters and things these Defendants and either of them are and will be ready to aver and prove as this Honourable Court shall appoint, and humbly pray to be dismissed the same with their reasonable Costs and Charges in this behalf most wrongfully sustained.

Edw. Bosdon.

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The several Answer of Sir E. M. Baronet, an Infant by G. M. Esquire, his Guardian, one of the Defendants to the Bill of Complaint of E. P. Esquire, and J. P. an Infant by the said E. P. her Father and Procheinie Amie, Complainants.

THE said Defendant saving to himself now and at all times hereafter the benefit and advantage of exception to the manifold incertainties and insufficiencies of the said Bill of Complaint for Answer unto so much thereof as any way materially concerneth him this Defendant, as he is advised by his Counsel to make answer unto, saith, that he doth not know that the said Complainant *E. P.* is Administrator to *M.* his late Wife deceased; Nor doth this Defendant know that the Complainant *J. P.* is Executrix of the pretended last Will and Testament of the said *J. M.* deceased; and if she the said *J. P.* be named Executrix in such pretended last Will of the said *J. M.* yet this Defendant saith that he is informed by his Counsel, that by Law she the said Complainant *J.* who, as appears by the said Bill of Complaint, to be but of the

Age of Eleven years or thereabouts, is not capable of the said Executorship, but Administration with the said Will annexed during the minority of the said *J.* ought to be granted to some person for and on her behalf, so that the said *J.* the Complainant doth not by the said Bill of Complaint make her self a person capable to Sue this Defendant in this Honourable Court; Of all which this Defendant hopes this Honourable Court will take due consideration; Nevertheless for satisfaction to this Honourable Court this Defendant saith that he doth not know that the said Sir *T. M.* in the Bill named this Defendant's late Grandfather was in his life-time or at the time of his death possessed of such Personal Estate as by the said Bill of Complaint is pretended, nor doth this Defendant know of what Personal Estate the said Sir *T. M.* died possessed, nor can set forth the particulars, nor the value thereof, nor the quality or nature thereof, nor doth the same as this Defendant is advised by his Counsel any way at all concern him this Defendant, nor doth this Defendant know what Lands the said Sir *T. M.* was seized of in his life-time and at the time of his death, nor doth know how he was enabled to dispose of the Lands in the Bill mentioned or any part

part thereof, or of any other Lands, nor doth know how he disposed of the said Lands or any part thereof, or of any other Lands whatsoever, nor doth this Defendant know that the said Sir *T. M.* did make such Will, or thereby devised such Legacies as by the said Bill of Complaint is pretended, nor doth this Defendant know what Will the said Sir *T. M.* made, nor what Legacies he thereby bequeathed, nor how and in what manner, nor what provision he thereby made for the payment, satisfying and discharging of his Debts, Legacies and Funeral Expences, nor whom he made Executor of such pretended Will, for this Defendant saith that such Will and all other the passages concerning the same were acted, as this Defendant believeth, before this Defendant was born; And this Defendant doth not know that the said Sir *J. S.* did ever make Probate of such pretended Will, nor whether by vertue of the Probate of such pretended Will he received the Rents, Issues and Profits of the said Premises, nor whether he paid any the Debts and pretended Legacies of the said Sir *T.* And this Defendant doth not know that the said Sir *J. S.* did make such Assignment of the said Premises and Personal Estate or either of them to the said Sir *L. M.* this Defendant's late Father,

Father, as in the said Bill is pretended, upon such Trust, as in the said Bill is mentioned, or upon any Trust at all, nor doth this Defendant know what Covenants are in such pretended Assignment contained, for this Defendant did never see any such pretended Deed of Assignment, and if there be such Covenants as is pretended, the Executors of the said Sir J. S. may take advantage thereof as cause shall require, nor doth this Defendant know that the said Sir L. M. did by force of any such pretended Deed of Assignment take into his hands the Personal Estate, and become possessed of the Mannors and Lands subject to such pretended Trust, nor doth this Defendant know that the said Sir L. M. did pay any the Debts and Legacies of this said Paper as is pretended, nor had cause so to doe as this Defendant is advised, and this Defendant hath heard and believeth, that if any such Assignment was made, as is pretended, the said Sir L. M. did give the said Sir J. S. some valuable consideration for the same, and that the said Sir J. S. did undertake to satisfie and pay the Debts and Legacies of the said Sir T. M. and accordingly did satisfie and pay all or most part of his Legacies; and if he did not, yet he the said Sir J. S. as this Defendant is informed by his
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Counſel, and his Executors are liable to the payment thereof, and not this Defendant's late Father nor his Eſtate, nor doth this Defendant believe that the ſaid Sir *L. M.* or his Eſtate did any way become liable or chargeable to perform the Will of the ſaid Sir *T. M.* or to ſatisfie or pay his Debts or Legacies, nor doth this Defendant believe that this Defendant's Father did ſatisfie or pay any the Legacies bequeathed by the ſaid Sir *T. M.* nor had cauſe ſo to doe, being neither Executor nor Adminiſtrator to the ſaid Sir *T. M.* for ought appeareth by the ſaid Bill of Complaint. And this Defendant doth not know what Will the ſaid Sir *L. M.* made, nor doth this Defendant know the value of the Perſonal Eſtate that his ſaid Father died poſſeſſed of, either of his own or of the ſaid Sir *T. M.* And this Defendant doth not know that the ſaid other Defendant his Mother or any other by vertue of ſuch pretended Aſſignment became poſſeſſed of the ſaid Mannors, Lordſhips and Pre-miſſes mentioned in the ſaid Bill of Complaint or any part thereof, or under ſuch pretended Title did or doth hold the ſame, and take the Rents, Iſſues and Profits thereof, or did thereby or otherwiſe ſatisfie or diſcharge any the Legacies of the ſaid Sir *T. M.* as by the ſaid Bill of Complaint

plaint is pretended. And this Defendant doth not know when the said *E. M.* died, nor of what Age he was when he died, or whether he died intestate or not, nor doth this Defendant know how many Sisters the said *E.* had living at the time of her decease, and this Defendant doth not know that the said *J. M.* made her last Will and Testam', and thereby gave what is pretended to be given by her Grandfather to the said Complainant *J.* as by the said Bill is pretended, nor whom she made Executor or Executrix thereof, nor whether the said *J.* hath proved such pretended Will by the said Complainant *E.* her Father, nor doth this Defendant know that Administration of the said *M.* is duly granted to the said Complainant *E.* nor what interest the said Complainant *E.* hath in and to such pretended Dividend as is pretended, nor doth this Defendant know whether the said other Defendant the Lady *E.* hath Asserts to pay the several pretended Legacies in the said Bill of Complaint pretended to be due to them, nor doth this Defendant know how the said other Defendants are any way chargeable to pay such pretended Legacies, nor how they or either of them have disposed of the Estate of the said Sir *T.* and Sir *L. M.* deceased; And as for the pretended Will of the said Sir *T. M.* this

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this Defendant denieth as before that he ever saw such pretended Will, and this Defendant saith that he is advised by his Counsel that such pretended Will of the said Sir *T. M.* as to the said Mannor and Lordship in the Bill mentioned, if any such were, as is pretended, is void in Law, for that he had, as this Defendant is advised, no good Estate or Power to devise the same. And this Defendant denieth that he hath or doth endeavour to suppress such pretended Will of the said Sir *T. M.* for this Defendant never saw the same; And the said Defendant saith that the said Mannor and Lands in the Bill mentioned are, as this Defendant conceives, descended, or by vertue of some Settlement come to and upon this Defendant as Son and Heir of the said Sir *L. M.* who was Son and Heir of the said Sir *T. M.* and some of this Defendant's friends, who are trusted for this Defendant to receive the Rents, Issues and Profits during this Defendant's minority to this Defendant's use. And this Defendant doth not know that the said Sir *L. M.* was well satisfied with the validity of the said pretended Will of the said Sir *T.* or did ever perform the same or any part thereof; And this Defendant doth not know or believe that his said Father did ever take or conceive the said pretended Will to be A good

good or A valid Will; and this Defendant is advised that he the said Sir J. S. and his Executors or Administrators are, as this Defendant is advised by his Counsel, still liable and chargeable to pay the said pretended Legacies, if any of them are unpaid, as is pretended, and not the said Sir L. M. nor his Estate, nor the said other Defts. as this Defendant is advised by his Counsel. And without that, that any other matter or thing in the said Bill of Complaint contained material or effectual in the Law for this Defendant to answer unto, and not herein and hereby sufficiently answered unto, confessed and avoided, traversed or denied, is to this Defendant's knowledge true. All which matters and things this Defendant is and will be ready to aver, maintain and prove as this Honourable Court shall award, and humbly prayeth hence to be dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

Tho. Widderington.

W. Sanford.

Ri. Newdigate.

The

The several Answer of S. C. one of the Defendants unto the Bill of Complaint of H. M. Esq; Master of the Hospital of St. K. in the behalf of the Brethren and Sisters of the said Hospital, Complainant.

THE said Defendant saving to himself now and at all times hereafter all advantages of Exceptions unto the Incertainties Insufficiencies and other the Imperfections of the said Complainants said Bill of Complaint. For a full and perfect Answer thereunto or to so much thereof as concerns him this Defendant, and material for him to make Answer unto, saith, That he doth believe it to be true that there are divers Rents, Quitrents or Rent-charges, issuing out of divers Lands Messuages Houses or Tenements within the City of London or elsewhere, that are due belonging and by ancient Donations ought to be paid unto the said Hospital and the charitable uses thereunto appointed. And this Defendant doth confess, and doth believe it to be true, that the Messuage or Tenement
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in the Bill ment and named, situate in T. within the Parish of All Sts. B. now in the tenure or occupation of him this Defendant. And which he this Defendant holdeth by vertue of a Lease thereof to him heretofore made and granted from Sir J. S. Kt. and Baronet, lately deceased, wherein are certain years therein yet to come and unexpired, ought and is chargeable to pay unto the Revenues of the said Hospital yearly the summ of six shillings *per An.* or five shillings and eleven pence, as this Defendant since the exhibiting of the said Bill hath heard and discovered by Reports and Relation of some Persons that have seen and had the perusal of some of the ancient Deeds and Writings of him the said Sir J. S. and before that time he this Defendant doth answer and say, that he this Defendant did not otherwise know or was made acquainted, but that there was but five shillings and a penny due and payable to the Revenues of the said Hospital out of the said Messuage or Tenement, called by the name of the Sign of the Swan, and now in the tenure and occupation of him this Defendant, neither did the Steward Receivers or Rent-gatherers of the said Hospital ever ask or demand any more during all the term and time that he this Defendant

Defendant hath held and enjoyed the same, which hath been for the term of twelve Years or near thereabout, During all which time he this Defendant hath well and truly paid every year yearly the said five shillings and one penny *per annum* unto the Receivers or Rent-gatherers appointed by the said Hospital in such manner and at such times as they did come to receive the same. And hath their several Acquittances mentioning the payment thereof ready to be produced unto this Honourable Court, untill about two years last past, at which time the Receivers or Rent-gatherers of the said Hospital did ask and demand of him this Defendant the sum of six shillings *per An.* for and in the name of a Quit-Rent, due and payable out of the said Premises to the said Hospital, the which he this Defendant did then forswear to pay, because formerly he was never demanded or did use to pay any more than five shillings and one penny as aforesaid, neither did he this Defendant know that there was any more due to be paid untill of late, as aforesaid, the which Arrearages of twelve pence and eleven pence *per An.* for the term of twelve years last during the time he this Defendant hath held and enjoyed the said Premises being twelve shillings or eleven

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ven shillings or thereabouts. And the
 summ of six shillings in arrear for the
 said Term of two years last past, being
 in all the summ of three or four and
 twenty shillings, he this Defendant saith
 that he is and shall be ready and wil-
 ling to pay and answer the same to and
 for the use of the said Master and Bre-
 thren and Sisters of the said Hospital,
 as this Honourable Court shall order
 and award without any farther suit and
 proceedings in Law. But this Defen-
 dant doth say, that if there be any o-
 ther arrearages of Rent behind and un-
 paid for the Premisses either of twelve
 pence the year or six shillings *per An.* for
 the term of fourscore years, or for any
 other longer or shorter term, That the
 this Defendant, under the favour of this
 Honourable Court, hopeth that neither
 according to Law nor Equity, he is nor
 nor shall be liable to pay the same, but
 that the Preowners and Preoccupiers of
 the Premisses, or else the Heirs Execu-
 tors or Administrators of the said Sir
 S. who was and are Lord in Fee of the
 Premisses, ought to pay and discharge
 the same, And this Defendant doth ab-
 solutely deny that he hath or ever had
 in his hand, or doth keep and detain
 any Deeds, Counterparts of Deeds, Sur-
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Rentals of or belonging to the said Hospital otherwise than the aforefaid Lease of the said Premisses, so made and granted unto him by and from the said Sir J. S. Nor that he this Deponent did omit to pay the said Rent due and payable to the said Hospital by any wilfull omission of his own, or by the negligence or default of any the late Receivers, or other Officer or Officers of the said Hospital, as in and by the said Bill of Complaint is pretended. And this Defendant doth utterly deny all Practices and Combinations had and made between him this Defendant and all or any others of the said Defendants in the Bill named, to the end to defraud and deceive the said Master and Brethren and Masters of the said Hospital of any the Rents, Donations or Revenues due and payable or belonging to the same, or to conceal the same, as by the said Complaint in and by his said Bill is unjustly laid to this Defendants charge. And without that that there is any other matter cause or thing in the said Complaints Bill of Complaint contained, and therein laid unto this Defendants charge material or effectual in the Law for him this Defendant to make Answer unto, he doth not herein and hereby fully and truly answered unto, confessed or avoided, travers'd

vers'd or deni'd, is true to the knowledge of this Defendant. All which matters and things this Defendant is and shall be ready to aver and prove as this Honourable Court shall award, and humbly prayeth to be hence dismiss'd with his reasonable costs and charges in this behalf wrongfully sustained, &c.

Henry Maundrel.

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A Plea to an Extent in the Exchequer.

Per Trinit. Record. Anno xxviii. Regni Regis Caroli secundi.

Suff. **M**emorand. quod breve Domini Regis nunc sub sigillo huius Scaccarii per considerationem Baronum hic emanavit in hæc verba, scilicet Carolus secundus Dei gratia Angliæ Scotiæ Franciæ & Hiberniæ Rex Fidei Defensor &c. Vic. Suff. Salutem Cum *E. D. Ar. Receptor noster General. Revenc. Coronæ nostræ in Com. Suff. & Cantabr. nobis ad presens indebitat. existit in diversis denariis summis ratione Officii sui predicti prout per Record. Scaccarii nostri apud Westm. plenius apparet Cumque J. H. de L. Gen. per Script. suum obligat. sigillo suo sigillat. gerens. dat. decimo sexto die Novembris. Anno Regni nostri vicesimo primo devenit obligat. prefatus *E. D.* per nomen *E. D.* de *L. Mercator.* in quinque mille libris bone & legalis monete Angliæ solvend. ad certum diem preterit. Quod quidem Script. obligat. una cum predicta Summa quinque mille librarum in eodem content. idem *E. D.* per bonum & sufficientem conveyanciam suam in lege generaverit.*

ren. dat. decimo nono die Junii Anno Regni nostri vicesimo septimo in & versus solucionem & satisfactionem tant. de debitis suis pred. nobis dedit concessit & assignavit Nosque de dictis quinque mille libris nobis jam debet. omni celeritate qua poterimus satisfieri volen. ut est justum Tibi precipimus quod non omitt. propter aliq. libertat. quin eam ingred. & corpus pred. *¶ F.* capias ac in prisona nostra donec nobis de debit. pred. plene satisfecerit salvo custod. fac. Ac tam per sacrament. proborum & legalium hominum de Balliva tua vel alr. per Sacrament. & testimon. aliquorum proborum & legalium hominum de eadem Balliva tua per quos rei veritas melius scir. poterit quam omnibus al' viis mediis & modis quibus melius sciveris aut poteris diligenter inquir. quas terr. & quæ ten. & cujus annui valoris pred. *¶ F.* habuit in dicta Balliva tua dicto decimo nono die Junii Anno Regni nostri vicesimo septimo pred. quo die nobis primo debor. devenit seu unquam postea hucusque Ac que & cujusmodi bor. cat. & cujus pretii Ac que debit. credit. specialitat. & denar. summas pred. *¶ F.* modo habet in dicta Balliva tua eaque omnia & singula pred. bon. & cat. terr. & ten. debit. credit. specialitat. & denar. summas in quorumcunque

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cunque man. jam existunt per Sacrament. prefat. proborum & legalium hominum diligenter appreciari & extend. ac in manus nostras capias & seisciri facias ut ea quousque nobis de debit. predict. ple- ne satisfacm. fuerit habeamus juxta form. Statut. pro hujusmodi debitis nostris re- cuperand. inde nuper edit. & provis. Ac tibi ulterius precipimus, & potesta- tem damus per presentes ad quasunque person. in premiss. examinari idon. co- ram te evocand. ac de & in eisdem pre- missis diligenter examinand ne hoc pre- sens mandat. nostrum reman. ulterius ex- equend. Et qualr. hoc preceptum no- strum fueris execut. Baron. de Scaccario nostro apud Westm' in crastino Anima- rum prox' futur' distincte & aperte con- star. fac. Et habeas ibi tunc hoc breve Provis. quod bon. & catt. ill. que in man. nostras occasione hujus brevis no- stri ceperis ea non vendas nec vendi fac. quousque alr. a nobis habueris in man- dat. Teste *E. T. Mil.* apud Westm. vice- simo tertio die Junii Anno Regni nostri vicesimo septimo per Warrant. Capital. Baron. & per pred. Actum in Parlia- men. Anno tricesimo tertio nuper Re- gis Henrici Octavi tent. edit. & per Ba- rones *A.* Ad quem diem *W. S.* Baro- nett. Vic. Com. pred. retorn. hic breve pred. indorf. sic ff. Infranominat. *J. F.*
non

non est invent. in Balliva mea Resid. vero execut. istius brevis patet in quadam Inquisitione huic brevi annex. *W. S. Baronett. Vic. et tenor. Inquis. pred. sequitur in hæc verba, ff. Suff. Inquisic. indentat. capt. apud Somersham in Com. pred. secundo die Novembr. Anno Regni Dom. nostri Caroli secundi Dei gratia Angliæ Scotiæ Franciæ & Hiberniæ Regis Fidei Defens. &c. vicesimo septimo coram me W. S. Baronett. Vic. Com. pred. virtute brevis Dom. Regis mihi direct. & huic Inquis. annex. per Sacrament. S. B. J. R. J. P. R. D. J. L. R. W. A. B. W. A. J. A. W. C. I. L. & J. C. proborum & legalium hominum de Balliva mea qui dicunt super Sacrament. sua qd. J. F. in dicto brevi huic inquis. annex. nominat. decimo nono die Junii Anno Regni dicti Dom. Regis vicesimo septimo pred. seisit. fuit & adhuc seisitus existit in dominico suo ut de feodo in jure*

Uxoris sue de & in uno Capital. Messuagio cum omnibus domibus & Edificiis eidem Messuagio pertin. cum pertin. clari annui valoris in omnibus exit. ultra repris. sex libr. Ac de & in uno Cottagio cum pertin. prope situat. & jacen. eidem Capitali Messuagio clari annui valoris in omnibus exit. ultra repris. vigint. quinque solidorum. Ac de & in uno Clauso terr. arabil. vocat. Le

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Dovehouse Close prox. adja-
cent. capital. Messuag. continen.
per æstimationem sex acr. clari
annui valoris in omnibus exit.
ultra repris. sexagint. quinque
solidorum Ac de & in uno alio
clauso terr. arabil. vocat. Le
Stable Close prope etiam adja-
cent. eidem Capital. Messuag.
continen. per æstimationem qua-
tuor acr. clari annui valoris in
omnibus exitibus ultra repris.
quadragint. trium solidorum.
Ac de & in uno alio Clauso terr.
arabil. & prati vocat. Wallnuttree
Piece continen. per æstimationem
tres acr. jacen. juxta dictum
Clausum vocat. Stable close
clari annui valoris in omnibus
exit. ultra repris. trigint. trium
solidorum Ac de & in uno alio
Clauso terr. arabil. vocat. Bridge
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octo acr. jacen. juxta dictum
Clausum vocat. Dovehouse close
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solidorum Ac de & in quinque
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per æstimationem vigint. acr.
jacen. juxta Fluvium vocat.
Cleydon River clari annui valoris
in omnib. exit. ult. repris. quindecim
libr. Ac de & in quinque peciis
terr. palustr. vocat. Fenny Ground
insimul continen. per æstimationem
quindecim acr. jacen. juxta
pecias prati pred. clari annui
valoris in omnibus exit. ultra
repris. novem librarum & decem
solidorum Ac de & in uno

uno alio Clauso terr. arabil. vocat. Hil-
ly Field continen. per æstimac. septem
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it. ultra repris. sexagint. solidorum Ac
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vocat. Broad Oak Close continen. per
æstimac. octo acr. jacen. juxta dictum
clausum vocat. Hilly field clari annui va-
loris in omnibus exit. ultra repris. octo-
gint. solidor. Ac de & in duabus peci-
is pastur. vocat. Pond Pieces continen.
per æstimac. decem acr. clari annui va-
loris in omnibus exit. ultra repris. Cen-
tum solidorum Ac de & in uno alio
Clauso terr. arabil. vocat. Black Acre
continen. per æstimac. vigint. acr. clari
annui valoris in omnibus exit. ultra re-
pris. decem librarum Ac de & in uno
alio Clauso terr. ar. vocat. Silly Acre
continen. per æstimac. sex acr. clari an-
nui valoris in omnibus exit. ultra repris.
sexagint. solidorum Ac de & in uno
alio Clauso terr. ar. vocat. Le Church-
field contin. per æstimac. octo acr. cla-
ri annui valoris in omnibus exit. ultra
repris. octogint. solidorum Ac de &
in uno alio Clauso terr. arabil. vocat.
Le Three Acre Close continen. per æsti-
mac. tres acr. jacen. juxta clausum vocat.
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arabil. continen. per æstimationem novem acr. jacen juxta clausum vocat. Le Three Acre Close clari annui valoris in omnibus exit. ultra repris. octogint. sol. Quod quidem Capital. Messuagium cum pertin. ac omnia al. tenementa pred. cum omnibus suis pertin. situat. sunt jacen. & existen. in *B. Magna* & *B. Parva* in predicto Com. meo Suff. ac sunt modo vel nuper in tenur. sive occupatione *G. P.* & *W. D.* seu utrius eorum sive Assign. suorum vel utrius eorum Ac insimul sunt secundum separal. rata & pretia pred. clari annui valoris in omnibus exit. ultra repris. octogint. librarum Ac quod quidem Messuag. Capital. cum pertin. ac omnia & singula tenementa predicta & Premissa cum pertin. secundum separal. & pretia pred Ego Prefat. Vicecomes die Capcionis hujus Inquis. in man. Dom. Reg. cepi & seisiivi prout per predictum breve Dom. Regis mihi precipitur Et Jur. pred. ulterius dicunt super sacram. suum quod. pred. *J. F.* dicto decimo nono die Julii Anno vicesimo septimo supradicti nulla bon. seu cattal. nec al. sive plur. terr. sive ten. habuit nec habet in Balliva mea ad notic. Jur. pred. In cujus rei testimonium huic presenti Inquis. indentat. tam Ego prefat. Vic. quam Jur. pred. sigilla nostra separal. apposuimus eisdem die

die & anno supradictis, &c. *W. S.* Bar-
 nett. Vic. Sicut in brevi pred. & retorn.
 ejusdem Necnon in Inquis. pred. quæ
 sunt in ligula brevium execut. pro Re-
 ge de Termino Sancti Michaelis Anno
 vicesimo septimo Regis hujus in Suff.
 plenius continetur. Et modo scil. a die
 Sancte Trinitat. in tres septiman. hoc
 Termino venit hic quidam *T. P.* Tenens
 un. medietat. pred. capital. Mess. & ce-
 ter. premiss. in Inquis. mentionat. per
N. S. Attornatum suum Et petit audi-
 tum brevis pred. retorn. ejusdem & In-
 quis. pred. & ei leguntur Quibus lectis
 audit. & per ipsum intellectis Queritur
 se colore premiss. graviter vexat. fore
 & inquietat. Dictamque medietat. in
 man. dicti Dom. Regis capt. & detent.
 fore Et hoc minus juste quia protestan-
 do quod breve pred. retorn. ejusdem
 Necnon inquis. pred. minus sufficien. in
 lege existunt Ad que ipse necesse non
 habet nec per legem terre tenetur re-
 spondere pro placito tamen idem *T. R.*
 dicit quod diu ante pred. decimum no-
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 gis nunc vicesimo septimo supradicto quo
 die pred. *J. F.* debitor dicto Dom. Regi
 devenit sc. tricesimo die Aprilis Anno
 Regni Dom. Regis nunc xxvi. quidam
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teris premiss. in Inquis. pred. mentionat. seissiti fuer. in dominico suo ut de feodo Et sic inde seissit. existen. iidem *N. M.* & Domina *M.* Ux. ejus eod. xxx. die Aprilis Anno vicesimo sexto supradicto apud *B.* Magnam in Com. *S.* dimississent concessissent & ad firmam tradidissent pred. medietat. pred. capital. Messuag. & ceter. premiss. in Inquis. pred. mentionat. ipso pefat. *T. P.* & Assign. suis habend. & tenend medietat. tenementorum pred. sibi & Assign. suis pro & durante termino quinque annorum extunc prox sequen. & plenar. complend. & finiend. Virtute cujus dimission. idem *T.* in medietat. premiss. pred. intravit & fuit inde possessionat. quousque pred. *J. F.* postea scil. eod. xxx. die April. anno xxvi. supradicto vi & armis in tementa pred. cum pertin. in & super possessionem ipsius *T. P.* intravit & ipsum *T.* a firma sua pred. termino suo pred. inde nondum finit. ejecit. expulit & amovit ipsumque *T.* sic inde expuls. & amot. extratenuit super quo idem *T. P.* postea scil. die Veneris prox. post crast. Sancte Trinitat. anno vicesimo sexto supradicto apud Westm. in Com. Midd. in Cur. ipsius Dom. Regis coram ipso Rege apud Westm. tunc existen. ven. per *J. A.* tunc Attornatum suum & protulit in Cur. dicti Dom. Regis tunc ibidem

dem quandam billam suam vers. prefat. *J. F.* in custod. Marescal. &c. de placito transgression. & ejectionis firme Et fuer. pleg. de prof. bille pred. scil. *J. D.* & *R. R.* Que quidem billa sequebatur in hec verba ff. Suff. ff. *T. P.* queritur de *J. F.* in Custod. Marescal. Marescal. Dom. Regis coram ipso Rege existen. pro eo viz. qd. cum quidam *N. M.* Miles & Domina *M. Ux.* ejus tricesimo die Aprilis anno Regni Domini Caroli secundi nunc Regis Angliæ, &c. vicesimo sexto apud *B. Magnam* in Com *S.* pred. dimississent concessissent et ad firmam tradidissent prefat. *T.* unum Messuagium unum Gardinum cum uno Horreo & uno Stabulo cum pertin. & cent. & septuagint. acr. prat. cent. & septuagint. acr. past. & cent. & septuagint. acr. terr. arabil. & cent. acr. bosci vocat. Sterling Farm situat. jacen. & existen. in *B. Magna* pred. in Com. *S.* habend. & tenend. tenement. pred. cum pertin. eidem *T.* & assign. suis a vicesimo nono die ejusdem mensis Apr. usque plenum finem & termin. trium annorum extunc prox. sequen. plenar. complend. & finiend. virtute cujus quidem dimissionis idem *T.* in tenementa pred. cum pertin. intravit & fuit inde possessionat. quousque pred. *J.* postea scilicet eodem tricesimo die Aprilis anno vicesimo sexto supradicto vi & armis, &c.

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in tenementa pred. cum pertin. in & super possessionem ipsius *T.* intravit & ipsum *T.* a firma sua pred. Termino suo pred. inde nondum finit. ejecit expulit & amovit ipsumque *T.* sic inde expuls. & amot. ex possessione sua abinde hucusque extratenuit & adhuc extratenet & alia enormia ei adtunc & ibid. intulit contra pacem dicti Dom. Regis nunc ad dampnum ipsius *T.* quadraginta librar. & inde produxit Sectam, &c. Et pred. *J. F.* per *J. G.* tunc Attornatum suum ven. & defend. vim & injuriam quando, &c. & tunc dixit quod ipse in nullo fuit inde culpabil. prout ipse pred. *T.* superius vers. ipsum querebatur Et de hoc posuit se super Patriam Et predict. *T.* similiter, &c. Ideo prec. fuit quod ven. inde Jur. coram dicto Dom. Rege apud Westm. die Mercurii prox. post tres septiman. sancte Trinitatis Et qui nec, &c. Idem dies dat. fuit partibus pred. ibidem, &c. Posteaque continuat. fuit inde process. inter partes pred. de placito pred. per. Jur. posit, inde inter eos in respect. coram dicto Dom. Rege apud Westm. usque diem Veneris prox. post tres septiman. Sancti Michaelis extunc prox. sequen. nisi Justic. dicti Domini Regis ad Assisas in Com. S. pred. capiend. assign. prius die Mercurii quinto die Augusti apud *B.* in Com. pred. per for-

formam Statut. &c. ven. pro defcu. Jur. Ad quem diem coram dicto Domino Rege apud Westm. ven. ipse pred. *T. P.* per Attornatum suum predictum & prefat. Justic. coram quibus, &c. miser. Record. suum coram eis habit. in hec Verba ff. Postea die & loco infracontent. coram *E. T. Mil. capital. Baron. Scaccarii Domini Regis & W. E. Mil. un. Justic. dicti Dom. Regis de Banco Justic. ipsius Domini Regis ad Assizas in Com. S. capiend. assign. per formam Stat. &c. venit infranominat. T. P. per Attorn. suum infracontent. Et infra script. *J. F.* licet solempniter exact. non venit sed default. fecit Ideo Jur. unde infra fit mentio capiatur vers. eum per default. Et Jur. Jurat. ill. exact. quidam eor. viz. *G. C. R. B. S. M. J. M. N. R. J. B. W. W. W. S. R. B. R. B. & T. F.* fen. Et in Jur. ill. jurat. existunt Et quia resid. Jur. ejusdem Jur. non comperuer. Ideo al. de circumstantibus per Vicecom. Com. pred. ad hoc electi ad requis. ipsius *T. P.* per mandat. Justic. pred. de novo apposit. cujus nomen pannello infra script. affilatur secundum formam Stat. in hujusmodi cas. nuper edit. & provis. Qui quidem Jur. sic de novo apposit. viz. *J. C.* exact. similiter venit qui ad veritatem de infracontent. simul cum al. Jur. predict. prius impanellat. & Jur. pred.*

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pred. elect. triat. & jurat. quoad transgressionem & ejectionem infrascript. in un. medietat. tenement. in narratione infrascript. spec. dicunt super Sacramentum suum quod predictus *J. F.* est inde culpabil. modo & forma prout predictus *T. P.* interius versus eum querebatur Et assidunt dampna ipsius *T. P.* occasione ill. ultra mis. & custagia sua per ipsum circa Sectam suam in hac parte apposit. ad sex denar. & pro mis. & custag. ill. ad quadraginta solid. Et quoad transgress. & ejection. infrascript. in altera medietate tenement. infrascript. dic. super Sacramentum suum quod predictus *J. F.* in nullo est culpabilis prout predictus *J. F.* interius pro se placitando allegavit Ideo consideratum fuerit in eadem Curia dicti Domini Regis coram ipso Rege quod predictus *T. P.* recuperaret versus prefatum *J. F.* terminum suum predictum adtunc venturum de & in una medietate tenementorum predictorum cum pertinentiis & dampna sua prefato *T.* per juratores predictos assess. tunc non undecim libr. sex solid. & duo denar. pro mis. & custag. suis pred. per ipsum circa Sectam suam in ea parte apposit. eidem *T.* per dict. Cur. dicti Dom. Regis ex assensu suo de incremento adjudicat. Que dampna in toto se atting. ad undecim libr. sex solid. & octo denar.

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Et quod predictus *J. F.* capiatur, &c.
 Et similiter predictus *T. P.* in misericordia pro falso clamore suo vers. prefatum *J. F.* quoad transgression. & ejection. in altera medietate tenementorum predicti cum pertinentiis in quibus, &c. unde predictus *J. F.* acquietat. existit Et idem *J.* iret inde sine die, &c. prout per Recordum inde in Curia dicti Domini Regis coram ipso Rege apud Westm. residen. plenius apparet virtute cujus idem *T. P.* in una medietate predicta capitalis Messuagii predicti & ceter. premissi. in Inquisitione predicta mentionat. sic per Curiam Domini Regis coram ipso Rege existen. sibi adjudicat. intravit & fuit inde possessionat. & ill. resid. termini predicti adhuc ventur. habere & gaudere debet juxta formam & effectum recuperationis predictae Que omnia & singula idem *T. P.* paratus est verificare prout Curia, &c. Cum hoc quod predicti capitale Messuag. & ceter. Premiss. in Inquiss. pred. virtute brevis de Extent. pred. capt. mentionat. & pred. unum Messuagium unum Gardinum cum uno Horreo & uno Stabulo cum pertin. & cent. & septuaginta acr. prat. cent. & septuaginta acr. pastur. & cent. & septuaginta acr. terre arabil. & cent. acr. bosci vocat. Sterling Farm in narratione predicta mencionat. sunt unam & eadem

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Et quod predictus *J. F.* capiatur, &c. Et similiter predictus *T. P.* in misericordia pro falso clamore suo vers. prefatum *J. F.* quoad transgression. & ejection. in altera medietate tenementorum pred. cum pertinentiis in quibus, &c. unde predictus *J. F.* acquietat. existit Et idem *J.* iret inde sine die, &c. prout per Recordum inde in Curia dicti Domini Regis coram ipso Rege apud Westm. residen. plenius apparet virtute cujus idem *T. P.* in una medietate predicta capitalis Messuagii predicti & ceter. premitt. in Inquisitione predicta mentionat. sic per Curiam Domini Regis coram ipso Rege existen. sibi adjudicat. intravit & fuit inde possessionat. & ill. resid. termini predicti adhuc ventur. habere & gaudere debet juxta formam & effectum recuperationis predictae Que omnia & singula idem *T. P.* paratus est verificare prout Curia, &c. Cum hoc quod pred. capitale Messuag. & ceter. Premitt. in Inquisit. pred. virtute brevis de Extent. pred. capt. mentionat. & pred. unum Messuagium unum Gardinum cum uno Horreo & uno Stabulo cum pertin. & cent. & septuaginta acr. prat. cent. & septuaginta acr. pastur. & cent. & septuaginta acr. terre arabil. & cent. acr. bosci vocat. Sterling Farm in narratione predicta mencionat. sunt unam & eadem

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tatur.

Q 2 A Sci-

A Scire facias and Extent at the King's Suit, with the Sheriff's Return and Inquisition thereupon.

Per breve in Ligula brevium execut' pro Domino Rege de Termino Sancti Hilarii Anno primo finiend' & secundo incipiend' Regni Regis Jacobi secundi.

Suff. **M**Emorand. quod breve Domini Regis sub sigillo hujus Scaccarii per Consideration. Baron. hic emanavit in hæc verba, scilicet Jacobus Secundus Dei gratia Angliæ Scotiæ Franciæ & Hiberniæ Rex fidei Defensor, &c. Vic. Suff. salutem Cum *J. S. & H. M.* de London. Mercat. per script. suum Obligat. geren. dat. duodecimo die Junii anno Regni nostri primo tenent. nobis in ducent. & sexagint. libris legalis monet. Angliæ solvend. ad certum diem preteritum Et eas nobis nondum solver. nec solvi fecer. ut dicitur Cumque per quandum Inquisitionem indentat. capt. apud Guihald. Civitatis London. scituat. in Paroch. Sancti Laurentii in veteri Judaismo in Warda de Cheape ejusdem Civitatis vicesimo octavo die Novembris ult. preterit. coram *B. T. Mil. & T. K. Mil.* vic. Civitatis nostre London. pred. vir-

tute

tute brevis nostri de Extend. sub sigillo
Scaccarii nostri versus prefat. *J. S.* eis-
dem vic. direct. Compertum existit per
Sacramentum *D. M.* & al. proborum &
legalium hominum de Balliva prefat vic.
Quod quidam *J. C.* nuper de Ipswich in
Com. Suff. defunct. in vita sua viz. tri-
cesimo primo die Januarii anno Domini
Millesimo sexcentesimo tertio indebitat.
fuit prefat. *J. S.* in summa vigint. & sep-
tem librarum legalis monet. Angliæ pro
diversis bonis & mercimon. per eundem
J. S. eidem *J. C.* in vita sua ante tem-
pus illud vendit. & delibera. & quod
pred. summa vigint. & septem librarum
& quelibet inde parcell. dicto die capti-
onis Inquis. pred. prefat. *J. S.* debet.
exist. & insolut. Quamquidem summam
vigint. & septem libr. per prefat. *J. C.*
pred. *J. S.* sic ut prefertur debet. & in-
solut. prefat. vic. London virtute brevis
pred dicto die captionis Inquis. pred. in
manus nostras capi & seiri. fecer. pro-
ut per breve pred. retorn. ejusdem &
dictam Inquis. eidem annex. in Scacca-
rium nostrum certificat. & ibidem in Cu-
stod. Remem'atoris nostri remanen. ple-
nius apparet Nosque de dictis vigint. &
septem libris nobis jam debet. omni ce-
teritate qua poterimus satisfieri volen.
(ut est justum) Tibi precipimus quod
non omit. propter aliquam libertatem

quin eam ingred. ac tam per sacrum. proborum & legalium hominum de Balliva tua vel aliter per sacrum. & testimonium aliquorum proborum & legalium hominum de eadem Balliva tua per quos rei veritas melius scir. poterit quam omnibus aliis viis mediis & modis quibus melius sciveris & poteris diligent. inquir. quibus die & anno ac ubi predictus *J. C.* obiit ac quæ debet. credit. specialitat. & denar. sum. pred. *J. C.* habuit in dicta Balliva tua dicto die quo obiit ac ad cuius vel quorum manus dicta bona & Catt. debet. Credit. specialitat. & denar. summe post mortem pred. *J. C.* devener. Ac in cuius vel quorum manibus jam existunt Ac quas terr. & quæ ten. & cuius annui valoris pred. *J. C.* habuit in dicta Balliva tua dicto die quo obiit Ac qui vel qui Exit. & profic. terr. & ten. pred. à tempore mortis pred. *J. C.* hucusque provenien. percepit vel habuit perceper. vel habuer. ac modo percipit & habet percipiunt & habent Eaque omnia & singula pred. bona & Catt. terr. & ten. debet. credit. specialitat. & denar. sum. in quorumcunque manibus jam existunt per sacrum. pifat. proborum & legalium hominum diligent. appretiari & extendi ac in manus nostras capi & seifiri fac. ut ea quousque nobis de debet. pred. plen. satisfactum fuerit habeamus juxta formam Statut.

Statut. pro hujusmodi debitis nostris recuperand. inde nuper edit. & provis. Ac tibi ulterius precipimus & potestatem damus per presentes ad quascunque personas in premissis examinari idoneas coram te evevand. ac de & in eisdem premissis diligent. examinand. ne hoc presens mandat. nostrum reman. ulterius exequend. Et qualiter hoc preceptum nostram fueris execut. Baron. de Scaccario nostro apud Westm. in octabis Sancti Hillarii prox. futur. distincte & aperte constare fac. & habeas ibi tunc hoc breve (Provis. quod bona & cattalla illa quæ in manus nostras occasione hujus brevis nostri ceperis ea non vendas nec vendi facias quousque aliter à nobis habueris in mandat. Teste *W. M.* tricesimo die Decembris anno Regni nostri primo per breve & Inquis. pred. Ac per pred. Actum in Parlamento anno tricesimo tertio nuper Regis Henrici octavi tent. edit. Ac per Warrant. Baron. Atkins Et per Barones Ayloff Ad quem diem Galfri- dus Nightingale Armiger vic. Com. Suff. pred. retorn. breve pred. indors. sic ff. Executio istius brevis patet in quadam Inquisitione huic brevi annex. Galfri- dus Nightingale Armiger vic. Suff. ff. Inquisitio indentat. capt. apud Gippi- um. in Com. pred. undecimo die Janua- ri anno Regni Domini nostri Jacobi se- cundi

cundi Dei gratia Regis nunc Angliæ, &c. primo coram me Galfrido Nightingale Ar. vic. Com. pred. virtute brevis Domini Regis mihi direct. & huic Inquisitioni annex. per sacrum. Thomæ Church Edwardi Wade Thomæ Wright Willi- elmi Sydeman Johannis Harrington Ri- chardi Rayner Williemi Spalding Jo- hannis Huling Williemi Garner Jose- phi Hubbard Roberti Payne & Johannis Hearne proborum & legalium hominum de Balliva mea qui dicunt super sacrum. suum quod *J. C.* in brevi pred. nominat. obiit vicesimo septimo die Julii anno Do- mini millesimo sexcentesimo octogesimo quarto in Parochia Sancte Marie ad Tur- rim in Gippo. pred. Ac quod pred. *J. C.* tempore mortis suæ possessionat. fuit ut de bonis & cattallis suis propriis de & in diversis bonis & cattallis ad valent. qua- dringent. trigint. duarum librarum qua- tuordecim solid. & decem denar. præter diversa debita sperat. & desperat. præ- dicto *J. C.* tempore mortis suæ debet. ad valent. ducentarum & decem librarum Et Jur. pred. ulterius dicunt super sacrum. suum pred. quod pred. bona & cattalla ad valent. quadringent. trigint. & dua- rum librarum quatuordecim solid. & de- cem denar. immediate post mortem ejus- dem *J. C.* ad manus & possessionem *D. C.* vid. relict. & Administratric. pred. *J. de-*
vener.

vener. & in manibus ipsius D. ad presens
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buit nulla terras live tenementa jure suo
Neque aliqua al. bona seu catalla debet.
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quatuordecim solid. & decem denar. Ego
prefat. Vic. die captionis hujus Inquis. sei-
siri feci in manus Domini Regis prout
per breve pred. mihi percipitur In cu-
jus rei testimonium huic presenti Inqui-
sitioni tam ego prefat. Vic. quam Jur.
pred. sigilla nostra separalia apposui-
mus eisdem die & anno supradictis, &c.
Galfridus Nightingale Armiger Vic. si-
cut in brevi pred. & retorn. ejusdem Quæ
sunt in ligula brevium execut. pro dicto
Domino Rege de Termino Sancti Hillar.
anno primo & secundo Regis nunc ex
parte hujus Remem'at. in Suff. plenius
continetur.

The

Divers other Matters and Pleadings in the Court of Exchequer.

A Plea and Answer to a Bill.

The joint and severall Answer of R. G. F. B. and F. his Wife, three of the Defendants to the Bill of Complaint of W. F. Gent. Complainant.

THese Defendants by Protestation, not confessing or acknowledging all or any the matters and things in the Complainant's Bill of Complaint contained to be true in such manner and form as the same are thereby set forth; They these Defendants say, and every of them saith, That as to that part of the Complainant's Bill, which is to be relieved against a Statute of One thousand pounds therein mentioned to be entred into by one *R. G.* late of *L.* in the County of *S.* Esq; and unto Sir *S. M.* Knight, *M. W.* and *J. B.* which hath been lately extended upon Thirty three Acres of

of Marshland of him the said Complainant in *East-Ham* in the County of *Essex*, in the Bill mentioned in the name of the Right Honourable *E. Earl of Sandwich* therein also named to and for the use of them these Defendants and others. These Defendants for Plea thereunto say, that they having been formerly sued by the said Complainant in this Honourable Court for and concerning the same, they these Defendants *R. G.* and *F. B.* did upon the instance and at the importunate request of him the said Complainant come to a treaty, and condescended to a compofure of all and every of the differences between them, upon for and in relation unto the aforesaid Statute of One thousand pounds and the Prosecution thereof, and Proceedings thereupon. Whereupon on or about the Fifteenth day of *June* last past the said Complainant and they these Defendants came to a conclusion and final end of all and every of the said matters and differences; And by certain Articles of agreement bearing date the same day and year, and made by him the said Complainant of the one part, and these Defendants *R. G.* and *F. B.* of the other part; And reciting the aforesaid Statute of One thousand pounds entred into as aforesaid, and the Deseazance thereof, and that the same was extended upon the Lands

Lands of him the said Complainant as aforesaid, and a Liberate thereupon returned, and other Proceedings had; and that all the said differences were drawn to an end and conclusion. They these Defendants *R. G.* and *F. B.* were content to Covenant, and did Covenant by the said Articles to discharge the said Complainant of the said Extent as is therein contained; And he the said Complainant did also thereby Covenant to pay Four hundred pounds therein mentioned unto them these Defendants *R. G.* and *F. B.* in consideration thereof (which he hath not done) (as in and by the said Articles of Agreement under the Hand and Seal of the said Complainant, in due form of Law executed, ready to be produced to this Honourable Court (and to which these Defendants refer themselves) relation being thereunto had, more at large it doth and may appear.) And these Defendants farther say, and every of them saith, That the said Complainant by his now Bill of Complaint, seeking to be relieved as well upon the original matter against the aforesaid Statute Extent and Liberate thereupon; As also against the aforesaid Article of Agreement (upon a pretended and supposed fraud and practice in the gaining and obtaining thereof by them these Defendants) which said

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Articles these Defendants humbly conceive conclude and set aside all differences between him the said Complainant and them these Defendants (and all persons therein mentioned) concerning the aforesaid matters as to these Defendants and every of them, as to, for and concerning the aforesaid Statute of One thousand pounds and the Extent and Liberate thereupon, and all things having relation unto or dependance upon the same, which in the said Bill of Complaint are charged against these Defendants, as they humbly conceive, and are advised by their Counsel that they may, and they these Defendants doe plead the said Articles in Bar to so much of the said Bill of Complaint as concerns the same; And abide in the Judgment of this Honourable Court, whether they or any of them shall farther or otherwise be compelled to answer to that part of the said Complainant's Bill of Complaint; Or whether the Court will cancell and enter into the original differences and matters aforesaid composed, settled and concluded by the said Articles of Agreement under the Hand and Seal of the said Complainant as aforesaid, the rather for that these Defendants and every of them for answer to the other matters contained and charged against them by the said Bill of Complaint

plaint say, that the Complainant not long after the aforesaid Extent (there being a Suit depending in this Honourable Court against these Defendants and others concerning the same) did several times apply himself unto and meet these Defendants *R. G.* and *F. B.* in order to treat about and compose the aforesaid differences between them, and to purchase the benefit of the aforesaid Statute as to the said Thirty and three Acres of Marshland aforesaid extended thereupon as aforesaid, and to have the said Land assigned and set over unto him the said Complainant; And these Defendants and every of them utterly deny that they or any of them insinuated any manner of ways into the Complainant's favour for promotion of any agreement or conclusion thereupon (as by the Bill is pretended.) But therein he the said Complainant was of himself earnest and importunate; The rather, for that (as these Defendants suppose) they these Defendants had caused two Declarations in Ejectment to be delivered to the Tenants of the aforesaid Lands, which they intended to have tried the last Assizes for the possession thereof by vertue of and upon the said Statute and the proceedings thereupon, and whereupon these Defendants believe they might have had
and

and reaped greater benefit then by any subsequent agreement they made, or the Articles aforesaid; upon and at which meeting and treaties he the said Complainant did impart to these Defendants *R. G.* and *F. B.* (by way of secrecy as he pretended) that he was then upon his preferment, and shortly after to marry unto a Gentlewoman of great fortune, To whom the said Complainant was to make a Jointure free from Incumbrance, and also to oblige himself to stand seized of an Estate of a certain yearly value (then by him expressed) cleared of all Incumbrances; also all which he the said Complainant pretending and being satisfied, he could not doe unless he were discharged of or secured against the aforesaid Statute extended upon his Estate as aforesaid; Thereupon he the said Complainant was very earnest and importunate with these Defendants *R. G.* and *F. B.* for the Reasons aforesaid to keep secrecy of and in the aforesaid matters, and to come to a conclusion thereof. And he the said Complainant offered and promised these Defendants *R. G.* and *F. B.* the Summe of Ten pounds of lawfull money of *England* as a gratuity for their pains and endeavours if they should bring in other persons concerned with them to joyn therein; And did propose
and

Pleas in the Exchequer.

and agree, to pay unto these Defendants the Summe of Four hundred pounds of lawfull money of *England* for the acquitting and assigning of the aforesaid extended Lands, and these Defendants did oblige themselves within a short time then next following, to procure a sufficient Assignment thereof to him the said Complainant, or whom he should appoint, which said agreement and particulars as aforesaid (amongst other things) were reduced into writing, and comprehended in the aforesaid Articles of Agreement by these Defendants as aforesaid pleaded, and were on or about the day of the date thereof reciprocally sealed, delivered and executed each to the other in due form of Law. And these Defendants farther say, That they were so far from surprizing or having any thought of taking advantage of the Complainant, pretended unexperienced in the said matters, as that great deliberation was therein used, and the said Complainant did nothing therein but by advice of his own Counsel; And there arising some difference as to the form and manner of the aforesaid Articles of Agreement, Mr. J. of *Grays-Inn*, Counsellor at Law, was mutually agreed upon by him the said Complainant, and these Defendants, and the consideration thereof on

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all hands submitted to him as an indifferent person between them, who being attended by these Defendants, and the said Complainant and his Counsel in pursuant thereof, he the said Mr. J. made several amendments and alterations, and by his directions a draught was made & perfected, & according to the aforesaid draught the aforesaid Articles were ingrossed at the charge of these Defendants, and after many meetings and consultations thereupon had, and strict examination thereof before at his the said Complainant's Chamber (and not in such hasty manner as in the Bill is pretended) and after the said Complainant had read and compared the said ingrossment with the said draught, and his Counsel then present had perused the same, the said Articles were sealed, delivered and executed as aforesaid, without any alteration or addition, saving that before the executing thereof the last Covenant therein contained was by consent of all hands added, whereby these Defendants were to be at the charge of Counsel on both sides in relation to compleating the agreement aforesaid, and the raising the said Summe of Four hundred pounds; And these Defendants deny that they made any other agreement with the said Complainant touching the Premises then are, and is

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expressed

expressed and contained in the said Articles. And these Defendants farther say, That after the entring into the said Articles, and by the time limited these Defendants hope to prove they did on their parts perform, and will are ready to perform the same, and did procure the said Summe of Four hundred pounds for the said Complainant's use, and the Summe was ready for him upon security as was agreed. And these Defendant's *R. G. F. B.* and *F.* his Wife doe farther deny all manner of Combination whatsoever, and also that they these Defendants or any of them before, upon or at any time since the said Articles did any ways confederate themselves with *R. G.* Son of the aforesaid *G.* in the Bill named as is pretended, or that the said *R. G.* to their or any of their knowledge did at any time or times deliver any Declaration in Ejectment to the said Complainant, or any of his Tenants, or any of them for the said Thirty three Acres of Marlshland, extended as aforesaid upon any pretended title he had to the same. But (if any) as they these Defendants have reason to believe the same was or were delivered and done by contrivance between him the said *R. G.* and the said Complainant; And on purpose that he the said Complainant might thereby have some

some colour or pretence to cavil and avoid the aforesaid Articles so by him entered into as aforesaid, he the said Complainant shortly after the entering thereof, in order thereupon, pretending he was not of the Age of One and twenty years. And these Defendants confess they have sued the said Complainant upon the said Articles for breach thereof, he not paying to these Defendants the said Summe of Four hundred pounds as thereby was limited, and these Defendants having fully performed the same on their parts as aforesaid, and offering and being ready yet to perform the same, And these Defendants deny that they or any of them offered unto him the said Complainant the whole benefit of the said Statute for the said Summe of Four hundred pounds, or that they or any of them promised to pay the said Money to him upon any the pretences in the Bill alledged, or that the said agreement was otherwise then in the draught of the said Articles agreed upon as aforesaid, and in the said Ingrossment is expressed. And these Defendants say they know not any title the said R. G. the younger hath to the said Thirty three Acres of Marshland; But they believe he hath none, and that the same is very well known unto the Complainant. Albeit he seems to pre-

tend to the contrary by his said now Bill of Complaint. And these Defendants say that they did in and by an Indenture of Assignment of the said extended Lands in *East-ham* as aforesaid to the Complainant, tendred in pursuance of the aforesaid Articles of Agreement, Covenant and Grant as by the said Articles they were required, to save harmless the said Complainant, his Heirs, Executors and Administrators, and the said Lands and Premises and every of them. And farther, they these Defendants humbly conceive (under the favour of this Honourable Court) they ought not to doe; Nor will this Honourable Court, as they hope, think it reasonable or necessary to compell them to doe the same. The said Complainant (as these Defendants hope to prove) raising doubtfull and needless Scruples wherein these Defendants are not at all concern'd Without that, that there is any other matter, cause or thing, &c. in the said Bill of Complaint contained.

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*The Answer of R. H. Defendant to
the Bill of Complaint of H. C.
Complainant.*

*Walker informa Pauperis pro Quer^r
Armiger pro Def.*

Lond^r **T**His Defendant saving to him-
self now at all times hereaf-
ter all and all manner of benefit and ad-
vantage of Exceptions to the manifold
incertainties, untruths, imperfections and
impertinences in the said Complainant's
Bill of Complaint contained for Answer
thereunto, or unto so much thereof as
he is advised is in any way material or
effectual in the Law for him this Defen-
dant to make Answer unto. He answer-
eth and saith, that true it is that on or
about the time in the Bill mentioned, the
Complainant did come unto this Defen-
dant's house in *Seacole-Lane*, and did ac-
quaint this Defendant that he had great
occasion for some Money to supply his
then present necessity; And did mightily
press and earnestly desire this Defendant
to supply his wants; but he being a
Stranger to this Defendant, he refused
to

to lend him any Summe of Money; Whereupon the Complainant told this Defendant, that if he would not let him have some Money for his then pressing occasions, he would leave in his hands Goods to the value thereof. And this Defendant by the Complainant's many persuasions and long intreaties did upon the Complainant's leaving one Watch, two Rings and an old Beaver-Hat with this Defendant on or about the Eighteenth day of *March* One thousand six hundred eighty six let him have Five pounds, as appears by a note or writing under the Complainant's hand by which said note the Defendant was empower'd to expose to sale the aforesaid Goods in case the Complainant should not repay the said Summe of Five pounds by the Eighteenth of *June* then next ensuing, as by the said note or writing ready to be produced to this Honourable Court may appear. And this Defendant also saith, that true it is that the Complainant did afterwards (*viz.*) on or about the Third day of *April*, in the year One thousand six hundred eighty six come to this Defendant, and earnestly desired him farther to supply his then great want of Money, and did prevail with this Defendant to lend him the farther Summe of Fifty shillings, and then deposite into this Defendant's hands

hands, for his security, two Gold Rings, one black Coat and Breeches, one Frock, one pair of Fringe Gloves, and then by note or writing under his hand, bearing date the Third of *April* One thousand six hundred eighty six impower this Defendant to expose also to sale the last mentioned, in case the said Summe of Fifty shillings should not be repaid by the Third of *June* next ensuing the date of the last mentioned note or writing, as by the said note or writing, ready to be produced to this Honourable Court, may and will appear. And this Defendant farther saith, That on or about the Second day of *July* One thousand six hundred eighty six, the Complainant did come again to this Defendant to borrow of this Defendant some more Money, and also prevailed with this Defendant to lend him the farther Summe of Nine pounds, which this Defendant accordingly did; and for securing the payment of the said Summe, the Complainant left in this Defendant's hands three other Watches, and one Clock-watch; And by one other note or writing under the Complainant's hand, bearing date the second day of *July* One thousand six hundred eighty six did likewise impower this Defendant to expose to sale the last mentioned Goods in case the Summe of Nine

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pounds should not be paid by the second day of *September* then next ensuing, as by the said note or writing, ready likewise to be produced to this Honourable Court, may more fully appear. And this Defendant farther saith, That he never had or received any other Goods or things from the Complainant then what are herein before expressed. And farther saith, That the Complainant hath not at any time paid this Defendant the several Summes of Money herein before expressed, amounting in the whole to Sixteen pounds ten shillings, nor any part thereof. And this Defendant utterly denies, that the Complainant ever offered to pay this Defendant the said several Summes of Money herein before mentioned, or either of them, amounting in the whole Summe to Sixteen pounds ten shillings, as aforesaid, or any part thereof, or any Interest for the same, or any part thereof, as the Complainant untruly suggests in his Bill of Complaint. But this Defendant saith, and hopes to prove to this Honourable Court, that he hath often desired and pressed the Complainant to pay him this Defendant the aforesaid several Summes of Money lent him as aforesaid, but the Complainant ever refused to pay the same, often telling this Defendant of his great want of Monies,

Monies, tho' this Defendant did go several times long after each payment was due, as aforesaid, to the Complainant, and demanded his said Monies, giving him notice that he would expose to sale the said Goods, unless the Complainant would pay this Defendant the said several Summes of Money; and this Defendant having occasion for Monies, did, as he hopes was but just and honest for him to doe, sell and dispose of several of the Complainant's said Goods to the several persons, and for the several Summes of Money herein after named (*viz.*) the said old Beaver-Hat to one *J. S.* for Five shillings, and an old Hat not then worth Two shillings, as this Defendant believes; one of the said Watches having a few Gold Studs in the Case to one *R. W.* of *Fleet-Lane, London*, Joyner, for Two pounds and ten shillings, one other of the said Watches to one *J. L.* a Coach-maker for black Cloth to the value of Fifty shillings or thereabout, one other of the said Watches to one *Mr. B.* for Eight shillings, and one other of the said Watches to one *L.* of *Cripplegate Parish*, Haberdasher, for Forty shillings, one other of the said Watches to *J. E.* a Tallow-chandler in the *Little Old-Bailey, London*, for Candles of the value of Fifty shillings to this Defendant's best remembrance,

brance; the said Clock-watch to T. J. Butcher for Beef to the value of Three pounds ten shillings, the said pair of Fringe Gloves to one R. W. a Watch-maker for Ten shillings. And this Defendant saith, that the said several Summes of Money, and considerations for which the aforesaid Goods were sold and disposed by this Defendant, as aforesaid, were the most and best Prizes and Considerations he this Defendant could get for the same, and, as this Defendant believes, were to the utmost value of the same. And as to the rest of the aforesaid Goods and things not herein sold and disposed of, as aforesaid, this Defendant is ready to produce the same, which is all the Goods the said Defendant hath exposed to sale; And this Defendant believes that he can fully prove that all the aforesaid Goods and things which were left in his hands by the Complainant, were not near worth the Money, which he this Defendant lent upon the same, as aforesaid. And this Defendant saith, that he lent the Complainant the several Summes aforesaid meerly to do the Complainant a kindness, which he hath often acknowledged; And therefore this Defendant hopes that this Honourable Court will be pleased to order the Complainant to take those which remain in
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the Defendant's hands, and to make up the Sixteen pounds ten shillings with Interest to this Defendant, the Goods which this Defendant hath already sold, not amounting to near the Money so as aforesaid lent by this Defendant to the Complainant; nor will the Goods remaining in this Defendant's hands, when sold, amount to near the Money. And this Defendant denieth all or all manner of fraudulent practices, contrivances and dealings. Without that, that any other matter, thing or charge in the said Complainant's Bill of Complaint contained material or effectual in the Law to be answer unto, and not herein and hereby well and sufficiently answered unto, traversed or denied, is true. All which matters and things this Defendant is ready to prove, as this Honourable Court shall direct; And humbly prayeth hence to be dismissed with his reasonable Costs in this behalf most wrongfully sustained.

Jur. quarto die Februarii anno Dom.

1688. coram me

Edw. Parrett.

The

The several Answer of the Right Honourable H. E. of P. one of the Defendants to the Bill of Complaint of the Honourable E. H. B. H. Esquires, A. M. Esquire, and the Lady E. F. his Wife, Complainants.

THIS Defendant saving and referring to himself now and at all times hereafter all benefit and advantage of Exception to the manifold Errors, Incertainties and Insufficiencies of the Complainant's said Bill of Complaint for Answer unto so much thereof as he is advised is material for him to Answer unto, he saith as followeth: And first this Defendant saith, that he believeth it to be true that the Complainants *A. M.* and the Lady *E. F.* intermarried, and that *E. H. B. H.* and the Lady *E. F. M.* are three of the younger Children of the Right Honourable the late *E. of A.* and *S.* deceased, who was the eldest Son and Heir of the Right Honourable *T.* and *A.* late *E.* and *C.* of *A.* and *S.* both deceased. And this Defendant saith, that it may

Answers in the Exchequer.

235

may be true that the Right Honourable F. late E. of M. and S. did in the month of *August*, in the year of our Lord One thousand six hundred forty one, make some settlement for the paying of his debts. But this Defendant doth not know or believe that he is concerned as a Trustee in that Settlement, neither doth he know what Lands are contained in the said Deed, nor what Trusts are thereby declared, if such Deed there be. And this Defendant moreover saith, that it may be true that there might be such Deed and Declaration of the Trust thereof made by the late E. H. as in the Bill is alledged and mentioned. But this Defendant saith he knoweth nothing of the Contents of the said Deeds of his own knowledge, and is informed he is no party to either of them. And this Defendant likewise saith, that he is a Stranger to the Will of the deceased E. H. and knoweth nothing of the Contents thereof. But this Defendant confesseth that he hath been informed there was some Deed of Covenant executed by the most noble T. late D. of N. deceased, whilst Lord M. in or about the year of our Lord One thousand six hundred and fifty two to the D. of R. Marquis of D. this Defendant and some other persons whereby he did Covenant to levy a Fine *Sur Con-*
cessit

cessit to the said Covenantees and their Heirs for his own life of divers Mannors, Messuages, Lands, Tenements and Hereditaments therein mentioned, which was for such intent and purpose, and upon such Trusts as *E. H.* his Father should declare, limit, direct or appoint. And this Defendant confesseth that he hath been informed that one or more Fine or Fines were accordingly levied by the said *D. of N.* and that the said Trust of the said Fine or Fines were declared, limited, directed and appointed by the said *H.* late *E. of A. and S.* deceased, the Father of the said late Duke. But what Lands or Estate was contained or comprehended either in the said Deed of Covenant, or in the said Fine or Fines levied as aforesaid, this Defendant cannot set forth, for that he neither hath any Copy of the said Deed or Fine by him or ever had. And this Defendant doth not know what the Trusts were that were declared, limited or appointed upon the Estate by the said *E. H.* having never to his remembrance seen the same, or ever had any Copy thereof. But whereas the Bill charges, that only One thousand pounds in grose limited by the Declaration of *E. H.* to the Lady *K.* his Daughter, that was a mistake of the person who wrote the said Declaration, as this Defendant

Defendant hath been informed, and it was so well known in the Complainant's family to be a mistake; And that her Father the said *H.* did intend her One thousand pounds *per annum* for her life out of that Estate, if the Cognizee or Trustee's Estate should continue so long, that notwithstanding the said Writing be so penned, yet the intent and mind of her said Father being so well known, as aforesaid, in that Family, the said Lady *K.* did, as this Defendant is informed, receive out of the Rents of the Lands comprehended in the said Fine *Sur Concessit* One thousand pounds *per annum* for her life, in lieu of what her Father by his aforesaid Declaration gave and designed for her out of that Trust. And this Defendant saith the Marquiss of *D.* is now dead; but this Defendant cannot tell whether he this Defendant be the only surviving Trustee for the Lands contained in the said Fine *Sur Concessit*; But saith that he this Defendant did never receive or intermeddle with any the Rents, Issues or Profits of that Estate, or any part thereof; neither doth he know of what yearly value the same Estate is that is comprehended in the said Fine *Sur Concessit*, nor how much hath been raised thereout by Fines, Wood-sales or otherwise, but believes the yearly

Iy Rents and Profits were had and taken since the Creation of that Trust by the other Defendant the *D.* of *N.* or his Agents for his use, who he also believes hath given satisfaction to all or most of the parties interessed or concerned in that Trust. And this Defendant doubteth not but that the said *D.* will give the Complainant the Lady *E.F.* an account of and satisfaction for such part of the Profits of the Estate comprehended in the said Fine *Sur Concessit*, as she is intituled unto, in case she be intituled to any. And this Defendant hopeth he shall not be involved in any Account, he never having received any of the Profits of any of the Estates mentioned in the Bill. And this Defendant saith that he hath been informed that the Defendant the *D.* of *N.* and *E.* of *A.* his Son on the behalf of the said *D.* hath made an agreement with them, the Complainant's *E.* and *B. H.* touching all the matters they or either of them intitle themselves to by this Bill. Without that, that any other matter or thing material or effectual in the Law for him this Defendant to make Answer unto, and not herein and hereby answered unto, traversed or denied, is true. All which matters and things this Defendant is ready to aver and prove, as this Honourable Court

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shall award ; And humbly prays to be hence dismist with his reasonable Costs and Charges in this behalf most wrongfully sustained.

Capt. fuit hac Respons. apud Edenburgh in Regni Scotie primo die Januarii anno tricesimo tertio Regni Regis Caroli secundi super protestationem honoris dicti Defendentis coram nobis

Geo. Dixon.
Ja. Craggs.
J. Anderson.

The several Answer of R. B. one of the Defendants to the Bill of Complaint of W. F. Complainant.

North'ton. **T**HE said Defendant saving to himself all advantages of exception to the several uncertainties and insufficiencies of the said Bill of Complaint for Answer unto so much thereof as this Defendant is advised is material for him to make Answer unto, saith, that he believes that C. W. Gent. did make some Lease unto the Complainant of the Improprate Rectory of H. in the Bill mentioned, but when the same was made, this Defendant doth not know; and this Defendant doth believe that at the time of the making of such Lease, the Estate in Law of and in the said Rectory was not in the said C. W. but in Sir R. H. who had some Mortgage thereof, and had before entred on the same, or in some other person as this Defendant hopes to prove, and believes that the Complainant had no good Title to the Tithes of the said Rectory by colour of the said Lease. And this Defendant doth confess, that for the time in the said Bill set forth he

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did hold and enjoy the Close in the said Bill mentioned, called the *Lee*, containing about the number of Acres, as in the Bill is set forth; But this Defendant doth deny that the Complainant ought to have any Tithes for the same, for that above two years since before the pretended Lease made to the said Complainant, as this Defendant hopes to prove he this Defendant did take a Lease of the said Close Tithe-free and Tax-free for the term of three years from the said Sir *R. H.* or his Agent, and the said *C. W.* at and under the yearly Rent of Twelve pounds, which this Defendant did agree to pay in consideration the said Land was to be discharged of Tithes and Taxes, as this Defendant was advised it would by the said agreement, in regard the said Sir *R. H.* as was owned and acknowledged by the said *C. W.* had both the said Rectory and Land in him. And this Defendant doth say, that for the time in the Bill mentioned he had not from any of the said Land above six Loads of Hay, part only being Mowed thereof, and that the said Hay was worth about a Mark a Load, and not above. And this Defendant in the said time fed and depastured in the said Land only five Milch Cows, whereof he might have five Calves, and not above eight

S 2 Sheep;

Sheep; for which Cows, in case Tithes had been payable to the Complainant for the said Land, there would have been but due Twenty pence, that is to say, Four pence for the Milk of every Cow, according to the ancient custome used Time out of mind, within the Parish of *H.* in the said Bill mentioned, and the five Calves, one with another, were not worth above a Noble; and for the said eight Sheep, this Deft. did buy the same about the beginning of the Winter, and Tithe-Wool and Lamb thereof were paid in Kind the years following; And this Defendant doth say, that he conceiving that the Complainant might have some Title to the Tithes of the said Rectory, as he pretended, he this Defendant did for the time in the said Bill pay unto the said Complainant all his Tithes which did arise elsewhere in the said Parish, except only upon the said Close, which this Defendant did not pay for the reason aforesaid, and in regard this Defendant paid for the same in his Rent. And this Defendant denieth all manner of Combination in the said Bill charged with any person or persons whatsoever. Without that, that any other matter or thing in the said Bill of Complaint contained material for him this Defendant to make Answer unto, and not herein

and hereby sufficiently Answered unto, confessed and avoided, traversed or denied, is true, in such manner and form as the same is, and are therein and thereby set forth and alledged. All which matters and things this Defendant is ready to aver and prove, as this Honourable Court shall award; And humbly prays to be henceforth dismissed out of the same Court with his Costs and Charges on this behalf unjustly sustained.

*Jur. duodecimo Maii anno Dom. Caroli
secundi Regis Anglia, &c. vicesimo
tertio coram*

Hugh Windham.
Robert Sawyer.

To the Right Honourable *Thomas* Earl of *Danby*, Lord High Treasurer of *England*, Sir *John Earnle* Knight, Chancelour and Under-Treasurer of his Majesties Court of Exchequer, *William Mountague* Ld. Chief Baron of his Majesties Court of Exchequer, and the rest of the Barons.

WE whose Names are subscribed having received His Majesties Commission from his Majesties Court of Exchequer, with the Order of the Court thereunto annexed, whereby we are empowered to enquire into the matters of the Royal Aid, and additional Supply, the eleven and one-Month Tax, and other the Matters and Things in the said Commission and Order mentioned, do hereby certifie your Lordships, That we did meet at the Talbot in S. near the City of *W.* on *Friday* the six and twentieth day of *J. Anno Dom.* one thousand six hundred seventy six, and having first summoned the Inhabitants of the Parishes in the said Order mentioned to appear before us, have put the said Commission in Execution, and have proceeded to the Execution of such of the Matters and

and Things therein contained as our time would permit, according to the tenour of the said Commission, the particular whereof we have caused to be ingrossed in a Schedule to the said Commission and Order annexed, to which we humbly refer our selves, and do acquaint your Lordships, that there are other Parishes, which by the shortness of our time, with other Inconveniencies and Hindrances we have met with, we could not dispatch; but if your Lordship shall be pleased to give us a farther time we shall endeavour the Promotion of His Majesties Service therein to the uttermost of our power,

And humbly rest at your Lordships farther Command your Lordships most Humble Servants.

Wigorn. ff.

AT the Talbot in S. in the County aforesaid the six and twentieth day of J. in the twenty eighth year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God of *England, Scotland, France, and Ireland* King, Defender of the Faith, &c. before Sir R. B. Knight, T. S. and T. V. Esq; three of the Com-

missioners in the Commission hereunto annexed, named, at which day the Inhabitants of the several Parishes hereafter named, being part of the Parishes in the said Commission and Order annexed mentioned, appeared before us, and thereupon we entred into the Execution of the said Matters in the said Commission and Order mentioned, as we find to be as followeth.

Knighton. And first for the Inhabitants of *Knighton* in the said Order, who are charged with Arrears amounting to 15 *l.* 7 *s.* 8 *d.* or thereabouts mentioned, we find the names charged upon them to the Royal Aid in the said Order mentioned, was eighteen pounds four shillings and nine pence by every quarterly payment which amounted one year unto —————

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And that they stood charged unto the Royal and additional Aid, after the rate of thirty two pounds eighteen shillings and five pence three farthings every quar-

terly

Certificates to the Exchequer. 265

terly payment, which for } 263 07 04
two years amounted unto }

And that the whole charges of the said Township to the eleven months and one months tax amounted unto } 131 13 11

Summ total 470 00 03

And we find by several Receipts under the hand of R. H. deceased, head Collector of the said several Aids and additional supply, and the eleven and one months Tax which we have examined, and find them all to be the proper hand writing of the said R. H. 465 11 00
in the whole amounting to 466 11 09 excepting only xxi s. 1 d. part of the said supply, which is affirmed to be lost; but the last Receipt produced for the said payment making mention to be in full, we find the said Inhabitants have paid

And we find by the Oath of R. S. of the City of W.

In-

266 *Certificates to the Exchequer.*

Inholder, duly taken and executed before us, that he paid by the direction of the said Inhabitants to the said *R. H.* in or about the year of our Lord God one thousand six hundred seventy, } 001 00 00
 which he received of one of the Inhabitants *J. H.* in part of the Royal and Additional Aid, and for which he did not take any Acquittance, the summ of ————

And we find the said Inhabitants paid unto *K. H.* appointed to be head Collector of the said Division after the death of the said *H.* as by a Receipt under the hand of the said *K. H.* dated the thirtieth day of *Octob.* one thousand six hundred seventy two appeareth, } 003 10 06
 the Summ ————

Summ total 470 01 06

So that the said Inhabitants have over paid } 000 01 03
 the said charge ————

Witnessen-

Certificates to the Exchequer.

267

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Witchenford. ff. Also
 we find the Inhabitants of
 Witchenford, who stand charged
 with 26 l. 6 s. of Ar-
 rears, that the Royal Aid
 charged upon them was 12 l.
 1 s. 1 d. every three months,
 which for the whole three
 years amount unto ————

144 13 04

The additional Aid at
 nine pounds two shillings
 and four pence farthing e-
 very three months, *in to-*
to ————

072 09 02

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The one and eleven
 months supply at seven
 pounds one shilling and a
 penny for each month *in*
to ————

084 13 09

Summ total 301 15 11

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ben-

And we find that the said
 Inhabitants have paid unto
 the said R. H. head Collec-
 tor afore said, as by several
 Receipts in writing under
 his hand appeareth several
 Sums of money amoun-
 ting in the whole unto ————

248 06 01

And

Cerrificates to the Exchequer.

And they also paid unto
the said *K. H.* as by a Re-
ceipt under his Hand pro-
duced unto us appeareth,
the Summ of _____ } 014 18 08

Summ total 301 15 11

So that the said Inhabi-
tants are in arrêars, which
we have caused them to pay
unto *Mr. T. T.* for his Maj.
use the summ of _____ } 014 18 08

Ripple. And we find that the Inhabi-
tants of *Ripple* stand charged with 32 l.
13 04 of Arrears, which the said Inha-
bitants do admit to be true, that they
are so much in arrear for which they
do discharge themselves there.

Paid of that 32 l. 13 s.
4 d. by *N. L.* Esq; to *R. F.*
Esq; the late Receiver Ge-
neral, by way of advance ac-
cording to Act of Parliamt.
as by a writing under the
Hand and Seal of the said
R. F. and other Papers un-
der his hand produced be-
fore us appeareth the summ
of _____ } 013 15 04

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Certificates to the Exchequer.

269

The residue of the said
Arrears being eighteen
pounds eighteen shillings is
by the said Inhabitants af-
firmed to be delivered over
to the said *N. L.* to be paid
in for his Majesties use,
which is also attested by
Mr. *J. S.* the Deputy She-
riff of the said Countey,
and so the said Inhabitants
upon payment of the summ
by the said *Mr. L.* ought to
acquitted of the said Ar-
rears, —————

18 18 00

Holdfast. We find the Inhabitants of
Holdfast stand charged with thirteen
pounds nine shillings two pence, which
the said Inhabitants do in like manner
admit and discharge themselves of in
like manner as the Inhabitants of *Rip-
ple, viz.*

Paid by *N. L.* to the said
R. F. by way of advance ac-
cording to the said Act, as
by the same Writings and
Papers under the Hand and
Seal of the said *R. F.* ap-
pears, the said —————

13 09 02

So

Certificates to the Exchequer.

So that we conceive the Inhabitants ought to be acquitted of the said charge, and the same ought to be charged upon the said Receiver General.

Broadwas. The Inhabitants of *Broadwas* in the Order named, who stand charged to be in Arrears the sum of 16 15 00 we find that the said Inhabitants did pay to the Royal Additional Aid 15 17 07—qr. to a three months pay, and that they did elect one *W. B.* deceased, to be Sub-Collector of the said Parish for two six months of the Royal and Additional Aid we find upon Examinations of the said Inhabitants, and by former Examinations of the Commissioners that the said Inhabitants have duly paid the whole Moneys charged upon them to all the said Taxes and Aid except onely the seventeen shillings and ten pence, which was due and payable by *T. F.* deceased part of the said sixteen pounds fifteen shillings so charged in arrear. And we find by the Oaths of *J. M.* and *R. P.* taken before us, that the said *W. B.* did collect two severall quarterly payments of the said Inhabitants; and we find that the said *W. B.* did pay in onely one of the said quarterly payments, and that he stands charged with the

Certificates to the Exchequer.

271

the other of the said quarterly payments, and ought to pay the same, and we find the said *W. B.* died possessed of a considerable Personal Estate to the value of 100*l.* which came to the hands of *E.* his late Wife, who is his Executrix, and is now living at *Broadwas* afore said, and that he also died seized of certain Free Lands in *Broadwas* and *Suckly*, in the County of *W.* which he disposed of by his Will, and we conceive that the said Executrix ought to be charged with the fifteen pounds nineteen shillings seven pence, *per* quarter.

And the sd' 17 *s.* 10 *d.* the Executor of the said *T. F.* hath paid to the hands of the said *Mr. T.* for His Majesties use.

Tedington. The Inhabitants of *Tedington* stand charged with Arrears amounting to 33 01 02 we find the moneys charged upon them to the Royal Aid in the said Order mentioned.

9 8 1 for every three
first months, which for 4 } 037 12 04
qr'terly paymts. amounts to }

And that they stood
charged to the Royal and
Additional Aid at 16*l.* { 132 05 00

10 *s.* 7 *d.* to every quar-
ter, which for the whole
two years amounts unto

And

And that the whole
charge of the eleven and
one months Tax after the
rate of 16*l.* 10*s.* 7*d.* ob.
every three months in the
whole amounts unto ———— } 66 02 06

Summ total 235 19 10

And we find by a Re-
ceipt under the hand of R.
H. deceased, that he hath
received the full of the first
of the said quarterly pay-
ments of the said Royal Aid } 226 16 05
and by several other Re-
ceipts under the Hand of
the said R. H. which we
have examined amount un-
to ————

So we find the Inhabi-
tants to be onely in } 09 03 08
arrears ————

Breedon. The Inhabitants of *Breedon*
in the said Order mentioned, char-
ged to be in Arrear 291 10 09. we
find they stood charged to the Royal
Aid with 37 12 01 every three months,
for the 4 whole quarterly payments is
150 08 04

And

Certificates to the Exchequer.

273

And to the Royal and
Additional Aid with 66 l. }
10 d. 3 q. which in the } 528 07 02
whole amounts unto — }

And to the eleven and
one months with 66 l. 10 d. }
3 q. for every three months } 264 03 07
which for the whole twelve }
months amounts unto — }

Summ total 942 19 01

And we find by several
Receipts under the hand of }
the said R. H. which we } 787 04 06
have examined and perused }
in the whole amounts unto }

And by another Receipt
under the hand of the said }
K. H. the succeeding Col } 009 17 06
lector — — — — — }

Summ total 797 17 06

So that the Inhabitants
are in arrears the summ } 145 17 06
of — — — — — }

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Repli-

And

The Replication of J. T. Repliant to the Answers of H. B. and C. B. Defendants.

THE said Repliant saith, that he will aver, justifie, maintain and prove his said Bill of Complaint, and all and every the matters and things therein contained to be just, true, certain and sufficient in the Law for the Defendants to Answer unto, and that the Answer of the said Defendants are very uncertain, untrue and insufficient in the Law for this Repliant to Reply unto; Nevertheless all advantages and benefit of Exception to this Repliant saved and reserved; with this also, that it is lately come to the knowledge of this Repliant, that the Deed of Gift which was made by *H. B.* deceased, the Defendant's late Father, to the Defendant *H.* mentioned in this Repliant's Bill and Defendant's Answer, although of purpose to defeat Creditors, and to secure the said *H.* the Father's Goods from arresting, or being seized on the shifting about for security of his own Person, there was incerted into the said

said Deed of Gift, besides natural affection, a consideration for the payment of certain Debts owing by the said *H.* the Father, whereof this Repliant's Debts was one of purpose to colour and strengthen the said Deed of Gift the more, and that the Defendant *H.* since the making the said Deed of Gift profered to this Repliant, or to some other for his use his this Repliant's Principal Money, and two years Use, although more Interest due then the forfeiture of the Bond, and that the Defendant *C.* and the other Defendant, or one of them, not long before the Exhibiting of this Repliant's Bill, profered Twenty Nobles to Compound the said Debt. All which this Repliant doubteth not to prove to this Honourable Court, although these Defendants doe most falsly deny it by their Answer contrary to their own knowledge; And they the said Defendants likewise well know, that the said *H. B.* deceased, owned this Repliant's Money for his own debt, and always declared so much, and had satisfaction from *W. B.* his Mother for the payment of the same; All which is likewise well known to the Defendants; Without that, that any other matter or thing in the said Defendant's Answers contained material or effectual

276 *Replications in the Exchequer.*

in the Law for this Repliant to Reply unto, and not herein or hereby well and sufficiently replied unto, confessed and avoided, traversed or denied, is true to the knowledge of this Repliant. All which matters and things he this Repliant is ready to aver and prove, as this Honourable Court shall award, and humbly prayeth as in and by his said Bill of Complaint he hath already prayed.

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*The Replication of E. P. and J. P.
his Daughter, Complainants to the
several Answers of Sir E. S. Knight
and Baronet, Dame E. his Wife,
and Sir E. M. Baronet, Defen-
dants.*

THE Repliants maintain their Bill,
and all and every thing, clause and
matter therein contained to be good and
true, certain and sufficient in the Law,
and that the Repliant J. was and law-
fully is intituled and interess'd in and to
the Legacy by this Repliant J. demanded,
and that there is a good and sufficient
matter by Bill set forth to Intitle and In-
teresse this Repliant J. in that behalf,
and to implead the Defendants touching
the same, and say that the Defendants
several Answers were and are altoge-
ther untrue, imperfect and unsufficient,
and the same these Repliants did and
doe aver, and will prove, as this Ho-
nourable Court shall award; and for Re-
plication say, as by Bill they have said
and farther say and traverse; With-
out that, that Sir T. M. in these Books
named could not make such a Devise as

was set forth and expressed by his last Will and Testament, or that there was any such order or provision for payment of the Legacy bequeathed by the said Will, as is mentioned by the Answers ; Without that, that any other matter or thing, &c.

Will. Adams.

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The Replication of G. M. Esq; to the Answer of J. M. Esq; Defendant to the Bill of Complaint of the said G. Complainant.

SAVING to the Repliant now and at all times hereafter all and all manner of advantages of exception to the incertainties and insufficiencies of the said Defendant's Answer; for Replication thereunto, this Repliant replieth and saith, Thus he is and will be ready to aver and justifie his said Bill of Complaint, and all and every the matters and things therein contained to be just and true in such sort and manner as they are therein set forth and declared; And this Repliant saith he hath exhibited his said Bill of Complaint against the said Defendant upon good and just grounds occasioned by the Defendant's unjust dealings with the Repliant in withholding his right from him; Without that, that the said Defendant doth not know whether the said Right Honourable H. E. of M. deceased, late Father of the said Defendant, and of this Repliant died lawfully seized in his Demesne as of Fee of and in the Lordship or Mannor of C.

and other the Lands in the Bill mentioned, for this Repliant saith that the Defendant's best title he can make to the said Mannors and Premisses is by this Repliant's Fathers being seized thereof at the time of his death, and saith that the Defendant doth seem to be very ignorant of his said Father's last Will; whenas the same is well known unto him, and may be taken notice of in respect the said Defendant by vertue thereof did for divers years hold, and for ought this Repliant knows, doth still hold and enjoy the said Mannor and Lands in the Bill mentioned, which are worth unto him, at the least, Three hundred pounds *per annum*, and in respect of that several Legacies and Summes of Money, which by his Father's said Will were given and bequeathed unto the Children of the Defendant, have been paid unto him as Guardian to his Children. And this Repliant saith it is true the said late Earl did of his said Will make his Wife the said L. Marchioness, now Countess Dowager of M. this Repliant's Mother, and others Executors in Trust, but it is as true that they did relinquish the said Executorship to him whom the Trust doth concern, which Executors have nothing to doe with the said Mannor and Lands by the said Will given unto the
Defen-

Defendant, nor are any ways charged with the said Repliant's said Annuity in the Bill mentioned, as in the said Defendant's Answer is untruly and to no purpose pretended. And this Repliant saith, that concerning the Suits which have happened between the Defendant and the now Earl of *M.* the occasion thereof is best known unto the said Defendant; but as this Repliant hath heard they were occasioned by some unhandsome carriages of the Defendants to the now Earl of *M.* and were only for a third part of the said Mannor and Lands to shew and evidence his Right to the same, and to make the Defendant see and acknowledge he must be beholding to him for the same, and were not out of any intent of the now Earl of *M.* to overthrow the Will of his Father, nor out of any intent to retain the same to his own use and behoof. As may appear by the said now Earl's freely giving and remitting it again when he had by verdict recovered the same; Without that, that the said Defendant did not enjoy the said Mannor, Lands and Premises by vertue of the last Will of the said *H.* Earl of *M.* for many years before any Suit happened between the Defendant and the said now Earl for a third part of the said Mannor; And without that, that the said Defendant

dant did enter into the said Mannor of C. and other the Premisses by the leave and appointment of the said now Earl of M. or that what leave soever the Defendant had of late time from the said now Earl was not upon expresse agreement between them, that this Repliant should be paid his Annuity or Rent-charge of Fifty pounds *per annum*, or that the said Defendant doth possess or enjoy the said Premisses only by the permission or suffrance of the said now Earl, or that the same was upon consideration, that the said Defendant should deliver to the said now Earl the said Deed-Pole of One hundred pounds *per annum*; for this Repliant saith, that the said Deed was expressed under this Repliant's and the Defendant's Fathers own hand-writing to be void and of no effect, because that their said Father had given unto the said Defendant better preferment by his last Will (that is to say) the said Mannor of C. and other the Lands in the Bill mentioned, and therefore this Repliant conceiveth the Defendant hath made a large reckoning in his Answer in making the consideration given to the now Earl amount to so great a Summe as in his Answer is pretended; for this Repliant saith that the pretended Arrears to be due to the Defendant by *Nomine pœne* upon the

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the said pretended Deed-Pole could not be said any Consideration given by the Defendant, in regard if any such Rent as by the said Deed-Pole is pretended was ever granted him the Defendant, must legally and punctually have demanded the same to intitle himself to the said *Nomine pæne*, which this Defendant never did, and so consequently no Summe or Summes of Money could be due by vertue of the said *Nomine pæne*, that is the only pretended consideration in the said Defendant's Answer, expressed to be given to the now Earl. But on the contrary, this Repliant hopeth to prove, that whatsoever Writings passed between the now Earl of M. and the Defendant concerning the said Lands, were freely and voluntarily done by the said Earl without any valuable consideration had or given by the said Defendant, but were only done in confirmation of the Gift in the said Will, and upon Trust to perform the Charge given this Repliant out of the said Lands; Without that, that the said Defendant hath not since the death of the said Father quietly and peaceably enjoyed the Rents or Profits of the said Mannor or Lordship of C. or that he hath not made Three hundred pounds *per annum* thereof, as in the said Defendant's Answer is pretended; for this Repliant doth aver, that

that the said Defendant did enjoy the said Mannor of C. many years by the Devise of his said Father, as before is exprest; and that the pretence in the Defendant's Answer used, that he holdeth the said Mannor from the said now Earl of M. for the pretended consideration therein exprest, is to evade and avoid the satisfying to this Repliant his said Annuity of Fifty pounds *per annum* out of the Mannor and Premisses, which will prove but a meer delusion, as this Repliant hopeth to make appear unto this Honourable Court; Without that, that the said Repliant did about the time in the Bill mentioned, or at any time leave One hundred pounds in Gold or any Summe at all with this Repliant, or that this Repliant hath not made a just account concerning any Monies were left with him, or that the Defendant did leave in the hands of the said Mr. B. in the Defendant's Answer One hundred pounds more, as in the said Answer is alledged. But this Repliant saith, that what Summe or Summes of Money the said Defendant did leave either with this Repliant or the said Mr. B. they were only to satisfy this Repliant what was arrear and due to him from the said Defendant for his said Annuity; And this Repliant saith he believeth the Defendant

Defendant did make an Assignment to him this Repliant of Thirty five pounds or thereabouts from the said *G. H.* in the Defendant's Answer named, and of One hundred pounds more from *T. H.* in part of his said Annuity, as in the Answer is set forth; But this Repliant never received any thing upon the said late Assignment, and whereas the Defendant in his Answer pretends he paid the said Summes to this Repliant out of Natural love, this Repliant saith he expected not much from the Defendant for Natural love sake, for this Repliant desireth only what is justly due unto him and with-held from him very unduely by the said Defendant. Without that, that this Repliant's Father last Will was made void, or waived by the now Earl for the Reasons or Causes in the said Defendant's Answer alledged, for this Repliant saith it is in vain for the Defendant to say so in respect it was not in the said now Earl's power to make the said Will void wherein Legacies were given which concerned others. Without that, that the said now Earl ever laid claim unto the whole Mannor of *C.* as in the said Defendant's Answer is alledged; for this Repliant saith that the said now Earl did only alledge the Devise as to
a third

a third part of the said Mannor to be void, because part of this Repliant's Fathers Lands were held *in capite*. And this Repliant saith, that the said now Earl did for a third part of the said Mannor only seal a Lease of Ejectment, and recovered the same, but never entered Judgment thereupon, but remitted the Summe nobly and freely unto the said Defendant, when the said Earl had caused the Defendant to see some Errors and Over-sights of his given to the said Earl; And this Repliant saith, that the Defendant's Allegations in his Answer, that he disclaims the said Suit upon the said Lease of Ejectment, and that the same will appear by the Records at *Bedford-shire* Assizes are frivolous and without grounds; For this Repliant doth aver, that the said now Earl obtained a Verdict of the same against the Defendant; Without that, that the said Defendant never promised the now Earl of *M.* to pay this Repliant his Annuity of Fifty pounds *per annum* at the sealing of the Writings by the said Earl unto the said Defendant, as in the Bill is set forth, as by the Defendant's Answer is denied: for this Repliant averreth, that there was an expresse agreement between the Defendant and the said Earl at the sealing

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sealing of the said Writings, that the said Defendant should duely pay unto the Repliant his said Annuity of Fifty pounds *per annum* according to the Repliant's said Fathers last Will; Without that, that the said Defendant did not make Declaration or Agreement with the said now Earl of *M.* touching the paying, assuring or securing the said Annuity of Fifty pounds and the Arrears thereof unto this Repliant, as in the said Bill is truly set forth. And without that, that the said Defendant hath not always been ready to allow all just Taxes laid or imposed upon the said Mannor by any Ordinance or Order of Parliament in proportion for the said Annuity; And this Repliant confesseth it to be true, that the Defendant did send to the said *T. H.* to pay this Repliant One hundred pounds, as in the Answer is set forth; But when the same was demanded, the said *H.* answered, that he did not owe the Defendant so much Money, and refused to pay the said Hundred pounds or any part thereof. Without that, that the said Defendant hath been put to above One thousand pounds charge concerning the said Mannor of *C.* since the differences happened between the now Earl and the said Defendant, as in the Bill

288 *Replications in the Exchequer.*

Bill is to admiration alledged ; for this Repliant saith that he hath heard the Defendant could not spend Forty shillings in the said Suit, the same being an *Ejectione firme*, and the Ejector a Stranger, on which the Defendant bestowed not any thing, but suffered a Verdict by default, and never paid any Costs therein. Without that, that any other matter or thing, &c.

Maynard.

A Plea

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A Plea of a former Bill depending in the High Court of Chancery, for the matters for which Relief is sought in this Court.

The Plea of Sir T. B. Baronet, Defendant to the Bill of Complaint of R. G. Complainant.

THE said Defendant, by Protestation, not confessing any matter or thing in the said Bill of Complaint contained to be true in such manner and sort as the same are therein set forth doth Plead thereunto ; And for Plea saith, That the Complainant heretofore (that is to say) within twelve months next before the said Complainant exhibited his now Bill of Complaint into this Honourable Court ; He the said Complainant did Exhibit a Bill of Complaint in the High Court of Chancery against this Defendant for and concerning the same matters, for which Relief is sought in this Court by the now Bill of Complaint. Unto which Bill this

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Defendant appeared in the said High Court of Chancery, and put in his Plea and Answer thereunto ; Which said former Bill and Suit was, at the time of the Exhibiting this Bill, and yet is, depending in the said High Court of Chancery, and is not dismissed or otherwise determined therein or thereby. Wherefore and for avoiding of double vexation for one and the same matter at one and the same time, This Defendant doth Plead the Dependency of the said former Bill in the said High Court of Chancery ; And demands the Judgment of this Honourable Court, whether he is Compellable, or ought to be compelled to make any farther Answer then as aforesaid ; And prays to be hence dismissed with his reasonable Costs in this behalf most wrongfully sustained.

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A Plea in Bar to an Outlawry.

*Per Record. de Termino Sancte Trinitatis
anno vicesimo primo Regis Caroli se-
cundi.*

Kanc' **C**ompertum est alibi in Memo-
rand. hujus Scaccarii de Ter-
mino Sancti Hillarii anno vicesimo & vi-
cesimo primo Regni Regis Caroli secun-
di R^o &c. ex parte hujus Remem^rat. in hæc
verba ff. Memorandum quod R. A. Cle-
ricus utlagar. presens hic in Cur. duode-
cimo die Februarii hoc Termino in præ-
pria persona sua deliberavit Cur. hic tran-
script. cujusdam brevis utlagat. versus
quosdam J. G. Sen. & J. G. Jun. pro-
mulgat. cujus quidem transcript. tenor
sequitur in hæc verba ff. Carolus secun-
dus dei gra. Angliæ Scotiæ Franciæ & Hi-
bernæ Rex fidei Defensor, &c. Vic. Kanc.
salutem precipimus tibi quod non omit-
tatur propter aliquam libertat. Com. tui quin-
que sacrm. proborum & legalium homi-
num de Com. tuo diligenter inquir. quæ
bona & cattalla terras & tenementa J. G.
Sen. de precinct. nuper Cathedral. Ec-
clesiæ Christi Cantuar. & J. G. Jun. de
Novington in Com. tuo gen. habent sive
habuerunt in Balliva tua die Lunæ in festo

Sanctæ Scholasticæ virgin. anno Regni nostri vicesimo vel unquam postea quo die utlagati fuer. in London. ad fest. Jacobi Patten de placito debiti prout Vic. nostri London. Justic. nostris apud Westm. ad certum diem jam preterit. mand. & ill. per eorum Sacram. extendi & appreciari fac. Juxta verum valorem eorundem & ea quæ per inquis. ill. inveneris in manus nostras cap. & salvo custod. fac. ita quod de vero valore & exit. eorundem nobis respond. & ill. sic extent. & appreciat. quid inde fec. scir. fac. Justic. nostris upud Westm. in Cro. Ascensionis Dom. distincte & aperte sub sigillo tuo & sigill. eorum per quorum sacram. Extent. & appreciationem ill. feceris Ac pro eo quod iidem J. & J. utlagat. latit. & discurr. in Com. tuo in nostri contempt. & Corone nostre prejudic. ut accepimus tibi precipimus quod predicti J. & J. ubicunque in balliva tua tam infra libertat. quam extra inveniri contigerint Capias & eos salvo Custod. ita quod habeas Corpora eorum coram Justic. nostris apud Westm. ad prefatum Terminum ad faciend. & rec. quod curia nostr. de eis conf. in hac parte Et habeas ibi hoc breve Teste O. Bridgman apud Westm. duodecimo die Febr. anno Regni nostri vicesimo Gleare 151. T. P. in franominat. J. G. Sen. & J. G. Jun. non sum

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one huic brevi annex. *J. W. Baronett.*
Vic. Kanc. ff. Inquisitio indentat. capt.
apud Westgate in Com. pred. septimo die
Aprilis anno Regni Dom. nostri Caroli
secundi dei gra. Angliæ Scotiæ Franciæ
& Hiberniæ Regis fidei Defens. &c.
vicesimo coram me *J. W. Baronett.* Vic.
Com. pred. virtute brevis dicti Domini
Regis mihi direct. & huic Inquis. annex.
per Sacram. *H. S. J. F. R. T. J. C. D. T.*
A. R. J. W. R. C. J. M. N. W. L. G.
& *J. E.* proborum & legalium hominum
de balliva mea qui Jurat. & onerat.
super Sacram. suum dicunt quod *J. G.*
Sen. de precinct. nuper Cathedral. Ec-
clesiæ Christi Cantuariens. in brevi pre-
dicto nominat. die Lunæ in festo Sanc-
tæ Scholasticæ virginis anno vicesimo
Regni Regis Caroli secundi quo die ut-
lagat. fuit in London. ad sect. *J. P.* in
placito debiti seisit. fuit in dominico suo
ut de feodo de & in uno Capitali Messua-
gio vocat. Crundall place cum horreis
stabulis Columbariis & pertinen. eidem
Messuagio spectan. & uno horreo coiter.
vocat. Hadlow-Barne eidem Messuagio
etiam spectan. & undecim pec. sive par-
cell. terr. arabil. continen. per estimac.
trescent. acr. sive plus sive minus eidem
Messuagio spectan. una pecia bosci com-
muniter

munitur vocat. Hadlow Ruff continen.
 per estimac. quindecim. acr. una pec.
 bosci communiter vocat. Parkwood continen.
 per estimac. septem acr. & un pec.
 bosci communiter vocat. Townes Wood continen.
 per estimac. decem acras una pecia bosci communiter vocat. Soles grove continen.
 per estimac. tres acras Quæ quidem premiss. superius spec. sunt scituat. jacen. & existen. in Parochia de Crundall in Com. predict. modo vel nuper in tenura sive occupac. predict. *J. G.* vel assign. suorum clari annui val. in omnibus. exit. ultra repriss. sexaginta librarum Ac de & in uno Messuag. uno horreo uno stabulo & quinquaginta acris terre arabil. cum pertin. scituat. jacen. & existen. in Parochia Sancti Laurentii in Insula Thanett. in Com. predict. modo vel nuper in tenura sive occupatione *E. A.* vel Assign. suorum clari annui val. in omnibus exit. ultra repriss. viginti librarum Et ulterius Juratores predict. super sacram. suum predictum dicunt quod predictus *J. G.* nulla habet bona seu catalla neque ulla alia sive plur. terras aut tenementa in Com. predict. ad notitiam Jur. predict. Et ulterius Jur. predict. dicunt super sacrm. suum predictum quod *J. G.* Jun. de Novington in Com. predict. Gen. in brevi predict. etiam nominat. die Lunæ in festo Sanctæ Scholasticæ virginis.

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virginis anno vicésimo Regni Regis Caroli secundi quo die utlagat. fuit in London. ad sectam *J. P.* in placito debiti feit. fuit in dominico suo ut de feodo de & in uno Messuag. duobus horreis uno stabulo cum pertin. & seperalibus pec. sive parcell. terr. arabil. & pastur. eidem Messuag. spectan. continen. per estimat. ducent. acras una pec. bosci eidem Messuag. spectan. continen. per estimat. octo acras scituat. jacen. & existen. in Parochia de Novington predict. in Com. predict. modo vel nuper in tenura sive occupatione *A. K.* vel assignat. suorum clari annui val. in omnibus exit. ultra repriss. quinquaginta librarum ac de & in uno Messuag. & uno horreo cum pertin. & una pecia terræ arabilis eidem Messuag. spectan. continen. per estimationem septem acras scituat. jacen. & existen. in Parochia de Novington predict. modo vel nuper in tenura sive occupatione *G. C.* vel Assign. suorum clari annui valoris in omnibus exit. ultra repriss. trium librarum ac de & in uno Messuag. & decem acris terre arabil. eidem. spectan. cum pertin. scituat. jacen. & existen. in Parochia de Novington pred. modo vel nuper in tenura sive occupat. *E. S.* vel assign. suorum clari annui val. in omnibus exit. ultra repriss. quinquagint. solid. Ac de & in

uno Messuag. & una acra pastur. eidem spectan. cum pertinen. scituat. jacen. & existen. in Parochia de Novington predict. modo vel nuper in tenura sive occupatione *J. P.* vel assign. suorum clari annui val. in omnibus exit. ultra repriss. quinquagint. solid. Ac de & in uno Messuag. cum pertin. eidem spectan. scituat. jacen. & existen. in Parochia de Novington predict. modo vel nuper in tenura sive occupatione *W. F.* vel assign. suorum clari annui val. in omnibus exit. ultra repriss. viginti solid. ac de & in uno Messuag. una acra terre arabil. & una acra Pasturæ scituat. jacen. & existen. in Parochia de Novington in Com. predict. modo vel nuper in tenura sive occupat. *T. P.* vel assign. suorum clari annui val. in omnibus exit. ultra repriss. quadraginta solid. ac de & in uno Messuag. cum pertin. scituat. jacen. & existen. in Parochia de Novington predict. modo vel nuper in tenura sive occupatione *G. M.* vel assign. suorum. clari annui val. in omnibus exit. ultra repriss. viginti solid. Ac de & in uno Messuag. & una pecia terre arabil. continen. per estimat. tres acras scituat. jacen. & existen. in Parochia de Novington pred. modo vel nuper in tenura sive occupatione *J. M.* vel assign. suorum clari annui val. in omnibus exit. ultra expriss. trium librarum

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& uno stabulo cum pertin. eidem Messuag.
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occupatione R. R. vid. vel assign. suorum
clari annui val. in omnibus exit. ul-
tra repriss. trium librarum Et ulterius
Juratores pred. super sacram. suum pred.
dicunt quod predictus *J. G. Jun. de No-*
vington pred. nulla habet bona seu cat-
talla neq; alia sive plur. terras aut tene-
menta in Com. predict. tempore utlagar.
pred. seu unquam postea ad notic. Jur.
pred. quæ ullo modo extendi aut appreci-
ari possint Omnia & singula quæ quidem
premissa superius spec. Ego prefat. vic. die
captionis hujus inquis. in manus dicti
Dom. Regis nunc capi & seisciri feci prout
per idem breve mihi precipitur In cujus
rei testimonium tam ego prefat. Vic. quam
Jur. pred. huic Inquis. sigilla nostra se-
paratim apposuimus die anno & loco pri-
us supradictis *J. W. Barr. Vic.* sicut ibi-
dem

dem continetur Et modo scilicet à die
 S. Trin. in 3. Sept. venit hic quidam *W. D.*
 terre tenens predict. Capital. Messuagii
 communiter vocat. Crundall place cum
 horreis stabul. Columbar. & pertin. eidem
 Messuag. spectan. & unius horrei commu-
 niter vocat. Hadlow Barne eidem Messuag.
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 re arabil. continen. per estimat. trescent.
 acr. terre arabil. eidem Messuag. spectan.
 unius pec. bosci communiter vocat.
 Hadlow Ruff continen. per estimationem
 quindecim acr. unius pec. bosci commu-
 niter vocat. Townes Wood continen. per
 estimat. decem acr. unius pec. bosci com-
 muniter vocat. Soles grove continen. per
 estimat. tres acras scituat. jacen. & exi-
 sten. in Parochia de Crundall pred. par-
 cell. terr. & ten. in Inquiss. pred. spec.
 per *A. B.* attorn. suum Et petit audit.
 transcript. brevis utlagat. & Inquiss. pred.
 Et ei legitur Quo lecto audito & per ipm.
 intellecto queritur se colore premissorum
 graviter vexat. fore & inquietat. dictumq;
 capitale Messuagium & ceter. premiss. in
 hoc placito prementionat. parcell, &c.
 in man. dict. Dom. Regis capt. & detent.
 fore & hoc minus juste Quia protestando
 quod transcript. brevis utlagat. & In-
 quiss. pred. materiaque in eodem content.
 minus sufficien. in lege existunt ad quæ ip-
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tenetur respondere Pro placito tamen idem *W. D.* dicit quod bene & verum est quod predictus *J. G.* die utlagar. suæ pred. de tenementis pred. in hoc placito prementionat. seitus. fuit in dnico. suo & de feodo sed idem *W. D.* ulterius dicit quod postea & ante pred. septim. diem Aprilis anno Regni Dom. Regis nunc vicesimo supradicto quo die inquisitio pred. capt. fuit sc. 27. die Feb. anno vicesimo supradicto Idem *J. G.* Sen. de predict. capitali Messuag. & cet. premiss. in hoc placito prementionat. parcell. &c. seisitus fuit in dnico. suo ut de feodo Et sic inde seisit. existen. idem *J.* eodem vicesimo septimo die Feb. anno vicesimo supradicto apud Crundall predict. in dicto Com. Kanc. per. Indentur. suam inter ipsum pefat. *J.* per nomen *J. G.* Senioris de Crundall in Com. Kanc. gen. ex una parte & predictum *W. D.* modo hic placitan. per nomen *W. D.* de Civitate Cantuar. gen. ex altera parte scam. Cujus unam partem sigillo pefat. *J. G.* Sen. sigillat. ac infra sex menses tunc proxime sequen. in Cur. Cancellar. dicti Dom. Regis apud Westm. in Com. Middlesex. de Recordo irrotlat. idem *W. D.* hic in cur. profert pro cons. cujusdam summe legalis monet. Angliæ in dicta Indentura mentionat. concessit barganizavit & vendidit pefat. *W.* capitale
Mes

Messuag. predict. & ceter. premiss. in hoc placito prementionat. parcell. &c. per nomina omnium ill. Maner. suorum de Crundall & Hadlow in dicto Com. Kanc. cum omnibus & singulis juribus membris & pertinen. dictis Maneriis seu eorum alteri spectan. seu quomodo pertinen. ac etiam omnium illorum Messuag. terr. prat. pastur. Dun. Anglice Downes ten. & hereditamen. cum suis & quibuscumque eorum pertinen. dictis Maner. seu eorum alteri spectan. sive pertinen. continen. in toto per estimationem trescent. acras sive plus sive minus scituat. jacen. & existen. in separalibus Parochiis de Crundall Godmersham Waltham & Wye sive in aliquibus eorum in dicto Com. Kanc. Ac etiam omnium illorum boscorum terr. & terr. boscal. continen. per estimac. octoginta acr. sive plus sive minus scituat. jacen. & existen. in dictis seperal. Parochiis de Crundall Godmersham Waltham & Wye seu in aliquibus eorum vel alibi in dicto Com. Kanc. predicto Manerio de Crundall spectan. seu quomodo pertin. vel cum eodem dimiss. occupat. vel gavis. vel reputat. accept. sive cognit. ut pars parcell. sive membr. ejusdem scituat. jacen. & existen. in seperalibus Parochiis predictis aliquibus vel unam earum Ac etiam omnium al. Messuag. terr. ten. prat.

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Pleas in the Exchequer.

301

prat. pastur. bosc. & terr. dunal. Anglice Downe Lands quorumcunque predicti 7. in Parochiis de Crundall Godmersham Waltham & Wye predict. Habend. & tenend. prefat. *W. D.* hereditibus & assignat. suis ad solum & proprium opus & usum predicti *W. D.* heredom & assignatorum suorum imperpetuum Virtute cujus idem *W. D.* in predictum capitale Messuagium & ceter. premissa in hoc placito prementionat. parcell. &c. intravit & fuit & adhuc est inde seit. in dominico suo ut de feodo, &c.

Demur-

Demurrers to Pleadings in the Exchequer.

A Demurrer to a Bill for containing Scandalous Matter.

*The joint and several Demurrer of
A. B. and C. D. Defendants, to
the Bill of Complaint of E. F. Com-
plainant.*

THE said Defendants by Protestation not confessing or acknowledging all or any of the Matters or Things in the said Bill of Complaint contained to be true, in such manner and form as in the said Bill of Complaint is set forth, for Demurrer thereunto (or so much thereof as these Defendants are advised they need not answer unto) they these Defendant say, That there appeareth no matter of Equity charged in the said Bill, for the principal manners for which the said Complainant seeketh relief thereby, but that the same is exhibited to perplex, vex and charge the said De-
fen-

Defendants causelessly, for that he the said Complainant may have and take his action at Law against these Defendants for all and every of the Matters and Things he complains of in and by his said Bill of Complaint, and may thereupon recover what he pretends may be due to him for any the matters and things by him in his said Bill set forth. And these Defendants for farther Demurrer say, that the said Complainants Bill is not onely void of Equity, but (as these Defendants are informed) full of Scandalous and disgracefull Charges and Suggestions against these Defendants. For which Cause these Defendants do demurr and abide in Law, and humbly crave the Judgment of this Honourable Court whether they shall be compelled to answer, &c.

De-

Demurrér to a Bill to be relieved against Judgments obtained at Common Law, for that there is no Equity contained therein.

The Demurrer of A. B. Defendant to the Bill of Complaint of C. D. Complainant.

THe said Defendant by Protestation saith, that the said Bill of Complaint is very insufficient in Law to be answered unto and such as this Defendant by the Law of this His Majesties Realm of *England* is not bound to make any Answer unto, for this Defendant saith, It doth not appear by the said Bill of Complaint, that the said Complainant is any wise indebted to His Majesty, or otherwise inabled to sue in this Honourable Court. And this Defendant also saith, that it likewise appeareth by the said Bill of Complaint, that the Complainant did voluntarily enter into the several Bonds in the said Bill of Complaint mentioned for just and due Debts, then owing by the said Complainant unto this Defendant, and therefore the said Complainant by the Law

of

Demurrers in the Exchequer.

305

of *England* is not to be admitted to dis-
able or stultifie himself but is and ought
to be concluded and estopped by his Deeds
under his Hand and Seal, and the said
Complainant ought not now to be re-
ceived to say or plead that the several
summs of money contained and expressed
in the said several Bonds are not just
Debts, nor truly due from the Com-
plainant to this Defendant. And this
Defendant further saith that the money
is due upon the several Bonds being un-
paid this Defendant on or about the
Month of *J.* now last past did cause the
said Complainant to be arrested in *M.*
upon the said Bonds, and having de-
clared thereupon and being ready for a
Tryal there the said Complainant did
procure the same Action to be removed
from thence into the Office of Pleas
of his Majesties Court of Exchequer,
and this Defendant proceeding in the
said Action in the said Office of Pleas
the said Complainant in Michaelmas
Term last appeared and this Defendant
declared upon the said Action and in
Hillary Term last this Defendant ob-
tained Judgment upon the said Bonds
against the said Complainant by *Nihil*
licet; and in the same Term this De-
fendant sued out a Writ of *Capias ad*
satisfacienda against the said Complainant

nant which was returned with *Non est inventus*. Whereupon this Defendant caused a Writ of *Scire Facias* to be sued out of the said Court against the Manucaptors of the said Complainant in the said Action returnable *quindena Pascha* last, and *al' Scire Fac'* returnable *quinque Pasche* next. To which Writ the said Manucaptors have appeared so that the several Bonds being now passed and transferred into a Judgment, therefore the said Complainant ought not nor can be releived against the said Bonds, but ought (if there had been any just cause) to have brought his Writ of Error upon the said Judgment or ought to have prayed relief in this Court against the said Judgment if there had been cause, and not upon the said Bonds; for all which causes this Defendant doth demurr end abide in Law upon the insufficiency of the said Bill of Complaint, and doth humbly demand the Judgment of this Honourable Court if he this Defendant shall be compelled to make any further or other answer thereunto &c.

A Demurrer to a Replication because it is a departure from the Bill.

The Demurrers A. B. Defendant to the Replication of C. D. Complainant.

THis Defendant saith, he is advised that the said Replication is not sufficient to be rejoined unto; for that the scope of the Bill is to be relieved against this Defendant (upon &c. Recite the substance of the Bill) which is another Title than the Plaintiff chargeth in his said Bill; for the Plaintiff doth not pretend any possession in himself or any under whom he claims, nor in this Defendant by the said Bill and therefore said Replication is a departure from the Bill and by consequence is insufficient to be rejoined unto. And therefore this Defendant doth demurr thereunto and humbly demands the Judgment of this Honourable Court thereupon and prays to be dismissed with reasonable costs &c.

A Demurrer for not making
a sufficient Title to a Debt
sued for by the Bill.

*The Demurrer of A. B. Defendant to
the Bill of Complaint of C. D. Com-
plainant.*

THe said Defendant by protestation
not confessing or acknowledging
all or any the matters or things in the
said Complainant's Bill of Complaint
contained to be true in such manner and
form as the same are therein and there-
by set forth and alledged for and by
way of Demurrer saith, That the Com-
plainant by his Bill (as this Defendant
is advised) pretends to a Summe of
Money supposed to be due by the De-
fendant unto one *E. F.* deceased; to
which this Defendant demurreth and for
cause of Demurrer saith that the Com-
plainant hath not by his said Bill suffi-
ciently intituled himself to the said Mo-
ney in case any such Money was ever
due which this Defendant doth in no
sort admit. For that the Complainant
doth not by his said Bill set forth any
Will

Will made by the said *E. F.* whereby the said Complainant was made Executor, nor that any Letters of Administration of the Estate of the said *E. F.* were granted unto the Complainant under the Seal of any Court Ecclesiastical of this Realm. And for that the said Bill doth not contain any equity according to the rules and practice of this Court, wherefore and for divers other Errors and Imperfections in the said Bill appearing this Defendant doth demurr in Law therein, and humbly demands the Judgment of this Honourable Court whether he shall be compelled to make any answer to the said Bill and prays he may be hence dismissed with his Costs in this behalf most wrongfully sustained.

Certificates, Affidavits, Orders, &c. in the Exchequer.

A Certificate of the Execution of a Commission in the Country, with the Behaviour of one of the Complainants Commissioners, who, upon his being examined as a Witness, before the opening of the Commission, did answer, that he could not depose further; yet after hearing the Examination of the other Witnesses would have been again examined, which was refused and certified.

To the Right Honourable, &c.

WHereas a Commission out of the Honourable Court of Exchequer was by your Honours directed unto *T. L. Esquire E. W. Gent.* and to us whose names are subscribed for swearing and examination of Witnesses in a Cause before your Honours depending wherein *E. P. Esq; &c.* are Plaintiffs and *Sir E. S. Knight and Baronet &c.* are Defendants We met together for the execution

Certificates in the Exchequer.

311

execution thereof at the dwelling house of R. P. in the Town of C. in the County of G. upon the third day of this instant April, when and where immediately after the opening of the said Commission the said T. L. of L. in the said County Esq; one of the Plaintiffs Commissioners, tendred himself before us and our other Associate Mr. W. to be examined on the said Plaintiffs behalf Whereupon we did swear him the said Mr. L. to make Answer to all such Interrogatories as were then exhibited by the said Plaintiffs, which Interr's the said Mr. L. did take into his hands, and read and dictate and direct the Plaintiffs Clerk what Answer to write down to the said Interrogatories. And after he had fully answered the first and ninth Interrogatories, he the said Mr. L. did answer that he could not farther materially depose to the said Plaintiffs Interrogatories, and having delivered us the same as his Deposition he the said Mr. L. did then own himself as our associate, and did join with us in the execution of the said Commission all the first day, in which day we all four Commissioners joining together, did examine nine other Witnesses in the said Cause upon the said Parties Interrogatories, after the examination of which, upon the fourth

X 4 day

day of this Instant *April* the said Mr. *L.* having examined the aforesaid Witnesses did offer to add to his former deposition which we refused to admit of, conceiving the same under your Honours correction, to be unfit, and very dangerous, tending to the prejudice of the Defendants (if admitted,) he having seen and taken the Depositions of so many Witnesses, and in the examination of them seemed to us to doe the same with great earnestness on the Plaintiffs behalf. And we farther certifie, That we issued forth our Warrants for serving of several other Witnesses for the said Defendants, some of which Witnesses being served did not appear and the rest could not be found to be served by reason of the shortness of the time. And that one Mistriss *C.* a Witness for the said Defendants was before the execution of the Commission gone for *L.* as we are credibly informed all which we humbly certifie to your Honours Consideration and rest

Your Honours in all Humility,

W. Bissel.

Jo. Gunter.

An

An Affidavit thereupon.

Inter R. P. Ar. Quer. E. S. Bar.
Defend.

W. B. of *W.* in the County of *W.* gent. maketh Oath, That he being appointed one of the Commissioners for examination of Witnesses in this matter for the Defendant did meet Mr. *J. G.* and the rest of his Associates at the House of *R. P.* in *C.* in the County of *G.* upon the third day of *April* last, one thousand six hundred eighty five, when and where *T. L.* Esq; one of the Plaintiffs Commissioners did desire to be examined as a Witness for the said Plaintiffs, before we did swear any other Witness. And thereupon he the said Mr. *L.* was by my self and my other Associates sworn truly to answer to all such Interrogatories as then were administered by the said Plaintiffs, whereupon the said Mr. *L.* did read and peruse the said Interrogatories, and caused his Deposition to be laid down to the first Interrogatorie, and to the ninth Interrogatorie he declared himself that he could not materially depose, and gave Orders to the Plaintiffs Clerk to write down his

his Deposition, that he did not thereunto depose, and so delivered the same as his Deposition. And afterward the said Mr. L. did join with us in the swearing and examination of nine other Witnesses in this matter, by vertue of the said Commission. And after he the said Mr. L. had perused the said several Witnesses Depositions, he the said Mr. L. offered to lay down his Deposition farther to the said ninth Interrogatorie, which this Deponent and his Associate Mr. G. thought not fit to admit of, and afterward the said Mr. L. did join with us in the farther swearing and examination of nine and twenty more Witnesses, by force and vertue of the said Commission. All which said Depositions, together with the said Commission and Interrogatories, we have certified to this Honourable Court.

W. B.

Junat' 11 die Octob' Anno primo Regni Regis Jacobi Secundi coram

J. R.
S. S.

Inter

*Inter E. P. Ar. Quer. E. M. Bar.
Defend.*

D. B. maketh Oath, That he on the eighteenth day of *August* last served *C. K.* being a material Witness for the Defendants in this Cause, with the Commissioners Warrant to appear at a Commission then to be executed between the said Parties the twentieth day of the same month, at which time the said *C.* was in custody in the County Gaol of *C.* and could not come to the Commission, and upon this Deponents then shewing unto him several Bonds whereunto the said *C.* his name was subscribed, he then affirmed to this Deponent that all the Witnesses whose names were thereunto subscribed besides himself were dead, and did also then acknowledg that his name subscribed to the said Bonds was of his own hand writing.

D. B. *Jurat. 17 die Octob. Anno Regni
Regis Jacobi Secundi primo
coram*

*W. H.
S. S.*

An

An Order for putting off the hearing of the Cause, and that the Defendants have a Commission returnable the next Term to examine a Witness for them, who is in Prison in the Countrey.

Ex parte Remem'at' Regis.

*Termino Sancti Michaelis Anno primo Regni Regis Jacobi Secundi
Lunæ vicesimo septimo die Octobris.*

*Inter E. P. Ar. & al. Quer. & E. M.
Bar. & al. Defend.*

Per Billam Anglicanam.

UPon opening of the matter this present day unto this Court by Mr. C. being of the Defendants Counsel and upon producing of an *Affidavit* made by one D. B. whereby it appeareth that on the 18th day of *August* last he served C. K. being a material Witness for the Defendants in this cause with the Commissioners Warrant to appear at a Commission then to be executed between the

Certificates in the Exchequer.

317

the said parties the 20th day of the same month, at which time the said C. was in custody in the County Gaol of C. and could not come to the Commission, yet the Plaintiff hath since gotten the Cause to be set down to be heard this Term, and therefore it was prayed that the hearing might be put off, and the Defendants have a Commission to examine their said Witness retournable the next term, which is ordered accordingly; unless the said Plaintiffs, or their Attorney in this Court having notice thereof shall, within four days after such notice, shew unto this Court good cause to the contrary,

D. Rem Regis. Per Mand.

A Certificate thereupon.

THere is no cause shewed against this Order, for any thing appearing, this being the fifth day of November one thousand six hundred eighty five.

A. B.

Inter

*Inter E. P. Ar. & al. Quer. E. M.
Bar. & al. Defend.*

R. N. maketh Oath, that on the 29th day of *October* last past, in the morning, he gave notice of this Order dated the 27th of the same month unto the Plaintiffs Attorney in this Cause by giving him a true Copy thereof, and shewing him the original Order, the same being for the Plaintiff to shew cause within four days after such notice, according to the tenour of the said Order hereunto annexed.

R. N. *Jurat. quinto die Novembris
anno Regni Regis Jacobi Se-
primo coram*

W. M.

Intgr

*Inter E. P. & al. quer. E. M. Bar.
& al. Defend.*

WHereas by an Order of this Court, the Twenty seventh of *October* last, it was ordered, That the Defendants should have a Commission to examine *C. K.* unless the Plaintiffs within four days notice should shew Cause to the contrary, which was not done, as it appeareth by Certificate. Now *D. B. Gent.* maketh Oath, that *D. B. Gent.* one of the Defendant's Commissioners in the former Commission is of the age of Three score and ten years or thereabouts, and a weak sickly Man, and liveth about forty miles distant from *C.* where the said *C. K.* now is or lately was a Prisoner, and the Defendant's other Commissioner *W. B.* liveth in or about the City of *W.* distant also from *C.* near about Sixty miles. And this Deponent farther maketh Oath, That one *G. P. Esq;* *S. L.* and *E. P.* are material Witnesses in this Cause for the said Defendants, which could not be got to be examined at the execution of the former Commission.

*D. B. Jurat. duodecimo die Novembris
anno primo Regni Regis Jacobi
secundi coram me*

W. M.

*Termino Sancti Michaelis anno primo
Regni Regis Jacobi Secundi Sab-
bati decimo quinto die Novembris.*

*Inter E. P. & al. quer. E. M. Barr.
& al. Defend.*

UPon opening of the matter this present day unto this Court by Mr. Serjeant *W.* being of the Defendant's Council, and upon producing of an Order of the Twenty fifth of *October* last, and of an Affidavit made by one *D. B. Gent.* it was prayed that the Defendant for the Reasons in the said Affidavit expressed might have liberty to change their Commissioners, who dwell far from the place where the Witnesses to be examined is in prison, which is ordered accordingly, and the Attornies not concerned in the Cause to agree on fit Commissioners to be named for the Defendant, and where it was prayed that the Defendant might also have liberty to examine Witnesses in the said Affidavit named here in Town, which is ordered as is desired.

F. C.

B R E V I A

B R E V I A

Cur'

S C A C C A R I I.

Brevia Attach.

REX, &c. Vic' N. salutem Præcipimus tibi quod non omitt' propter aliquam libertat' quin eam ingred' & attach' G. H. per corpus suum ubicunque eum inveniris in ballivatua & eum salvo & secur' custod' Ita quod eum habeas coram Baron' de Scaccario nro apud Westm, &c. respondend' nobis de diversis transgressionibus contempt' & offens' per ipsam nuper fact' & replicat' Et habeas ibi hoc breve Teste E. T. Milite apud Westm, &c.

per affidac', &c. & per Baron'.

Attach. versus Vic' & ejus Attorn' qui recessit Cur' sine Licencia.

Rex, &c. Coronatoribus in Com' Buk' salutem Quia J. C. Vic' Com' Buk' qui nuper ven' ad Scaccarium nostrum per
A a W.B.

W. B. Attornatum suum & visum compu-
ti sui de Termino Sancti Michaelis ult' p-
terit' per quem visum nobis Debitor *Cl.*
recessit à Cur' sine licencia nostra nobis
debito prædicto minime satisfact' in no-
stri contempt' dampn' & jactur' non mo-
dicum quæ transire nolumus impunit'
Vobis præcipimus quod non omittatis
propter aliquam libertatem tam infra li-
bertat' quam extra quin eam ingred' &
attachiatis tam præfat' Vic' quam præfat'
Attornatum suum per corpora sua ubicun-
que eos inveniris in balliva tua Et eos
salvo custod' Ita ut eos habeatis coram
Baron' de Scaccario nostro apud Westm'
&c. Ad audiend' Judicium suum de
contemptu præd' Et interim de bon' &
catt' terr' & tenem præd' Vic' in dicta
balliva vestra fieri fac' *Cl.* præd' Ita
quod denar' ill' habeatis ad dictum Scac-
carium nostrum ad diem & locum præd'
nobis tunc ibidem solvend' Et habeatis
&c. Teste, &c. per Rotulum Memorand'
&c. viiss' computorum & per Baron'
ron'.

Brevia de Amoveas manum.

Rex, &c. Vic' L. salutem Cum W.
L. Ar' utlagat' fuit in London sexto die
Maii anno regni nostri vicefimo ad festum
E. D. de placito debiti Cumque unum
Cott

Cottagium, &c. de terr' & tenem' dicti W. L. in man' nostras per T. A. Mil. nuper Vic' Com' præd' capt' & seisit' fuer' ratione Utlagar' præd' ac in manus nostras adhuc remanent Cumque super placitum præd' W. L. & cognitionem veritat' placiti præd' per Attorn' nostrum generalem coram Baron' de Scaccario nostro apud Westm' nuper placitat' conf' fuit per eodem Barones quod manus nostræ à possessione præmissorum præd' cum pertin' amoverentur Ac quod prædictus W. L. ad possessionem suam inde unacum exit' & profic' inde unde nobis nondum est respons' restitueretur prout per Record' dicti Scaccarii nostri plenius apparet Tibi igitur præcipimus quod immediate post reception' hujus Brevis nostri manus nostras à possessione præmissorum præd' cum pertin' & cujuslibet inde parcell amoveas & amoveri fac' & præfat' W. L. & ejus assign' ad possessionem suam inde unacum exit' & profic' inde per te seu ministr' tuos virtute alicujus Brevis nostri occasione præd' recept' unde nobis nondum est respons' restituas & restitui fac' indilate tenore præsentium Volumus enim te de eisdem erga nos exonerari penitus per præsentis Teste, &c. per Rotulum Memorand', &c.

*Amoveas manus à terris prius capt'
& seisit'.*

Rex, &c. Vic' Midd' salutem Cum per quendam Inquisitionem indentat' capt' apud M. in Com' præd' primo die Maii anno regni nostri septimo Coram P. W. & D. F. tunc Vic' Com' præd' virtute Brevis de extent' sub sigillo Scaccarii nostri super Utlagar' versus A. G. Mil' Utlagat' in London, &c. de placito debiti compert' existit per Sacramentum J. L. & al' proborum & legalium hominum de balliva præfat' Vic' quod præd' A. G. seisitus fuit de dominico suo ut de feodo, &c. prout per Inquisitionem præd' in Scaccarium retorn' ac ibidem in custod' Remeritatoris nostri reman' plenius apparet Quibusdam tamen certis de causis Baron' de Scaccario nostro apud Westm' ad possessionem moven' tibi præcipimus quod manus nostras à possessione præmissorum præd' cum pertinent' & cujuslibet inde parcell' si occasione præmissorum & non al' in manus nostras reman' amoveas seu amoveri facias indilate & E.D. ad possessionem suam inde & cujuslibet inde parcell' restituas seu restitui fac' ac omnia exit' & profic' præmissorum & cujuslibet inde parcell' per te seu ministros tuos virtute alicujus brevis nostri occasione præd' præcept' (si quid fuerint

fuerint) præfat' E. D. five ejus assign' sine dilatione solvere seu solvi fac' & eadem præmissa cum pertin' & quilibet inde parcell' habere & pacifice gaudere permittas (ut est justum) Et volumus te de eisdem & qualibet inde parcell' erga nos exonerat' penitus per præsentis Teste, &c. per Rotulum Memorand', &c. Et per Barones.

Brevia de Appreciament.

Rex, &c. A. B. & C. D. salutem Præcipimus vobis quod ill' navem sive vass' vocat' **the D.** cum omnibus torment' apparat' armament' & applustr' suis per M. T. Gen' certis de causis tanquam forent per sacramentum proborum & legalium hominum Com' nostri Kanc' juste & fideliter numerari ponderari & apreciari fac' Et Indentur' inde inter vos & appreciator' præd' nummum pondus atque precium inde contin' debite conficiend' Ita quod alteram partem Indentur' præd' habeatis coram Baronibus de Scaccario nostro apud Westm', &c. Cur' nostræ tunc ibidem unacum brevi nostro liberand' T, &c. per Rotulum Memorand', &c. & per Barones.

Aa 3

Aliter.

Aliter.

Rex, &c. Collector' Custum & Subsid' nostrorum in Portu nostro W. H. Aceciam Comprarotul' nostro ibidem Necnon Scrutatori nostro ibidem Aceciam Collector' ibidem p' Commissionar' nostris Custum & Subsid' nostrorum ibidem & eorum Deputat' respective salutem Præcipimus vobis quod ill' parcell' terræ per M. T. Gen' certis de causis tanquam forent pertin' nuper ad opus nostrum & ipsius præfat' M. seilicet & arrestat' per sacramentum proborum & legalium hominum Com' nostri K. iuste & fideliter ponderari & appreciari fac' aut duo sive plur' vestrum fac' Indentur' inde inter vos aut duos sive plur' vestrum & appreciator' præd' pondus atque precium inde continen' debit' conficiend' Ita quod alteram partem Indentur' pd' habeatis aut duo sive plur' vrm habeant coram Baronibus, &c. Cur' nostræ tunc ibidem unacum hoc bñ nostro liberand' Teste, &c. per Rotulum Memorand', &c. & per Barones.

Breve Assisen' pro Officiar' Custum'.

Rex, &c. Omnibus & singulis Officiar' & Ministr' qui nunc habent aut impotestatem sunt habitur' aliquod Officium potestatem

testatem vel auctoritatem ab vel super Jurisdiction' Dom' Magni Admiralli seu Admiralitat' regni nostri Angliæ. Omnibus & singulis Vice-admirallis Justiciar' nostris ad pacem Major' Vic' Constabular' Ballivis les Headboroughs ac omnibus alijs Officiar' Ministris & Subdit' nostris de & infra quemlibet Civitatem Burgum Villam & locum hujus regni Angliæ domini Walliæ & vill' Berwici super Twed' & vestrum cuilibet salutem Cum nos per literas nostras Paten' sub magno sigillo nostro Angliæ geren' dat' tertio die Decembris anno regni nostri vicesimo septimo Assignaverimus dilectos nobis T. V. & R. B. Ar' Collector' Custum' nrat' infra Port' Dover & in omnibus locis & crecis eidem Portui, &c. (**take the granting word in the Patent**) prout per easdem literas Paten' inter alia plenius liquet & apparet Vobis igitur & cuilibet vestrum præcipimus & firmiter iungen- go mandamus quod omni excusatione ces- sante permittatis & quilibet vestrum per- mittat præfat' T. V. & R. B. & eorum al- terum deputat' & servien' eorum & eorum quemlibet de tempore in tempus ad eo- rum & cujuslibet eorū volunt' & placitum tam nocte quam die intrare & ire Angli- ce **to goe on board** aliquam navem cim- bam vel aliud vas fluctuan' Anglice **ri- ding** jacen' vel existen' infra vel venien'

ad Portum præd' aut in aliquas Portus
 loca seu crecas eidem Portui adjacen' ta-
 lem navem cimbam vel vas tunc & ibi-
 dem invent' videre scrutare & supervidere
 ac person' in eisdem stricte examinare
 tangen' vel concernen' Custum & Subsid'
 nobis debit' Ac etiam in tempore diurno
 unacum Constabular' Præposito Anglice
Headborough aut alio publico Officia-
 rio prope inhabitant' intrare & ire in ali-
 quas Cellas Anglice **Vaults** Cellur' Re-
 positor' Anglice **Warehouses** Shopas
 vel alia loca scrutare & videre utrum ali-
 qua bon' res vel merchandizas in eisdem
 navibus cimbis vel vasis cellis cellur' repo-
 sitor' shopis vel aliis locis sint vel erint
 ibi abscondit' vel concealat' existen' fact'
 vel induc't' vel eskippat' vel onerat' ad
 transportand' ab vel extra Port' D. p'd
 aut aliquos Portus vel crecas eidem Por-
 tui adjacen' Ac aperire aliquos riscos
 Anglice **Trunks** cistas pixid' fardell'
 Packs fatt' vel de le Bulke quecunque in
 quibus aliqua bona res vel merchandiz'
 erint suspect' fore paccat' vel concealat'
 Ac ulterius ad faciend' & exequend' om-
 nia ea que de jure & secundum legem &
 statut' hujus regni Angliæ in hac parte
 fuerit faciend' Ac vobis & cuilibet ve-
 strum præcipimus & firmiter injungend'
 mandamus quod eisdem T. V. & R. B. de-
 putat' & servien' eorum & eorum cuilibet
 in

in executione præmissorum de tempore in
tempus auxiliantes assisten' & adjuvan'
sitis & quilibet vestrum auxilians assistens
& adjuvans sit prout decet Et hoc nullat-
tenus omittatis & quilibet vestrum omit-
tat periculo incumbente Teste, &c.

Brevia de Commission'.

*Commissio Sequestrac' pro non perfor-
mac' Decret'.*

Rex, &c. Dilectis nobis T. T. Gen', &c.
salutem Cum die Martis 18^o die Junii
Termino sanctæ Trinitatis anno regni
nostri xxii^o in quadam sect' per Bill'
Anglic' in Cur' Scaccarii nostri apud
Westm' tunc ibidem penden' inter quan-
dam E. W. vid' quær' & W. H. Ar' de-
fend' per Curiam nostram præd' ordinat'
& direct' fuit quod p'fat' E. 50 li. legalis
monetæ Angliæ, &c. (**recite the decre-
tal part**) prout per idem Decret' in libro
Decret' Cur' Scaccarii præd' existen' de
Termino & anno præd' folio Ex
parte Remem' nostri plenius liquet & ap-
paret Cumque præfat' W. H. cum brevi
nostro de Spa' ad pimplend' & exequend'
Decret' p'd' debit' infervit' existen' non-
dum Decret' præd' perimplevit sed idem
hucusque perimplere penitus recusavit &
in contempt' Nostri dictæque Cur' nræ
steterit

steterit & omnes processus contempt' ver-
sus præfat' W. H. emanaverunt Cum-
que insuper serviens noster ad Arma Cur'
Scaccarii nostri præd' attendens pro præ-
fat' W. H. diligenter inquisivit sed seip-
sum ita occultavit ut minime eum inve-
nire poterit prout ex certificatione dicti
servientis nostri ad arma liquet Sciatis
igitur quod nos de fidelitat' industr' &
providis circumspectionibus vestris pluri-
mum confiden' Assignavimus vos ac se-
cundum directionem cujusdam ordinis in
dicta Curia nostra inter partes præd' fact'
& reddit' geren' dat' tertio die Februarii
instan' Damus vobis duobus vel plur'
vestrum plenam potestatem & auctorita-
tem per præsentem ad omnia & singula
terr' ten' & hereditamen' præfat' W. H. ac-
cedend' eaque intrandi & ingrediendi ac
illa & totum statum personal' quemcun-
que ipsius W. H. in manibus vestris duo-
rum vel plur' vestrum capiend' & seque-
strandi Et ideo vobis duobus vel plur'
vestrum mandamus quod ad certos dies
& loca quos vel quæ ad hoc provideri-
tis conveniatis & assembletis aut duo si-
ve plur' vestrum conveniant & assemblent
ac ad terr' ten' & hereditamen' dicti W.
H. accedatis & intretis eaque ac reddit'
& profic' eorundem necnon stat' personal'
quemcunque præfat' W. H. in manus ve-
stras duorum vel plur' vestrum de tempore
in

in tempus capiatis & sequestretis donec
& quousque præfat' W. H. de contempt'
suo præd' satisfecerit & Decret' præd' in
omnibus & per omnia ex parte ipsius W.
fiend' perimpleverit In cujus, &c. Te-
ste, &c. per Ordin' Cur' præd' & per Ba-
rones.

*Commissio Sequestrac' pro non compa-
rend' & respondend' Bill'.*

Rex, &c. Dilectis nobis A. B. &c. sa-
lutem Cum J. L. querens quandam Bill'
Anglican suam coram Thesaurario Canc'
& Baron' de Scaccario nostro apud Westm'
in Cur' Scaccarii nostri præd' versus T. B.
& al' Defend' nuper exhibuit Cumque
præfat' T. B. cum brevi nostro de Sub-
poena ad comparend' & respondend' Bill'
Anglican præd' debite inservit' existen'
nondum comperuit sed comparere recusa-
vit & in contempt' nri & dictæ Curia no-
stræ steterit (ut prius) de tempore in
tempus capiatis & sequestretis donec &
quousque præfat' T. B. de contempt' suo
præd' satisfecerit & queremon' præd' di-
recte & perfecte responderit In cujus, &c.

Com-

*Commissio ad seiscind' terr' Receptor' de
quibus seiscitus fuit tempore quo Re-
ceptor primo devenit.*

Rex, &c. Dilectis nobis A. B. &c. salutem Cum in pede Computi G. H. An-
nuper Receptor' general' Reventioni nostræ
in Com' nostris Norff' & Suff' pro uno
anno integro finito ad festum sancti Mi-
chaelis Archangeli anno regni nostri quin-
to Summa 1650 li. oneratur super ipsum
G. H. pro tant' denar' per ipsum recept'
de Reventioni præd' & in manibus suis re-
man' insolut' & debit' ad festum præd'
prout per Record' Scaccarii nostri apud
Westm' plenius apparet De qua quidem
Summa 1650 li. præd' G. H. minime
computavit nec seipsum inde in dicta Cur'
Scaccarii nostri debito modo exoneravit
prout nobis aliquo modo constare potest
Nosque de dictis 1650 li. nobis jam de-
bit' omni celeritate qua poterimus satisfi-
feri volen' (ut est justum) ac de fidelitat'
industr' & pvid' circumspectionibus ve-
stris, &c. per præsentis ad inquirend' tam
per sacramentum proborum & legalium
hominum Com' nostri S. vel aliter per sa-
cramentum & testimonium aliquorum p-
borum & legalium hominum per quos rei
veritas melius sciri poterit quam omnibus
aliis viis mediis & modis quibus melius
scive-

sciveritis aut duo five plur' vestrum poterint scire quas terr' & quæ ten'ta & cuius annui valoris idem G. H. habuit in dicto Comitatu S. primo die Februarii anno regni Regis *CAROLI* præclarissimi Patris nostri xv^o quo die primo Receptor revention' præd' devenit seu unquam postea hucusque Ac quis vel qui seoffatus vel seoffati seifitus vel seifiti fuer' vel fuit de aliquibus terris five tenementis in dicto Com' Suff' ad usum præd' G. H. aut in fiducia pro eo dicto tempore quo idem G. H. Receptor revention' præd' primo devenit seu unquam postea hucusq; (ultra Maner' de B.) Eaque omnia & singula terr' & ten' in quocunque Manerio jam existunt per sacramentum præfat' proborum & legalium hominum diligenter appreciari & extendi ac in manus nostras cap' & seifire fac' aut duo five plur' vrm faciant ut ea quousque nobis de debit' p'd' plene satisfactum fuerit habeamus juxta formam Statuti pro hujusmodi debitis nostris recuperand' inde nuper edit' & provis' Et quas terras & quæ tenementa & cuius annui valoris ceperitis aut aliqui duo five plur' vestrum ceperint in manus nostras occasione præmissorum Et ubi unacum diebus caption' eorundem in eadem manus nostras Et Inquisition' five Inquisitiones inde coram vobis aut duobus vel plur' vestrum in forma prædicta distincte

distincte & aperte capt' Necnon totum residuum factum vestrum aut duobus sive plur' vestrum in forma prædicta in præmissis fact' & habit' habeatis aut duo sive plur' vestrum habeant coram Baronibus de Scaccario nostro apud Westm quam citius poteritis aut duo sive plur' vestrum poterint Et tandem in Crastino Animarum prox' sub sigillis vestris aut duorum sive plur' vestrum & sigill' eorum per quos Inquisitio illa fact' fuerit sigillat' unacum hac Commissione nostra remittend' Mandavimus enim Vic' Com' nostri Suff' quod toties quoties & ad huiusmodi diem & locum sive dies & loca quos vel quæ ad hoc provideritis aut duo sive plur' vestrum providerint & ei ex parte nostra scire faceritis venire fac' coram vobis aut duobus sive plur' vestrum tot & tales probos & legales homines de balliva sua per quos rei veritas melius sciri poterit & inquiri Damus etiam vobis aut duobus sive plur' vestrum plenam potestatem aut auctoritatem per præsentem ad quascunque personas in præmissis examinari idoneas coram vobis aut duobus sive plur' vestrum evocand' & apparere procurand' ac de & in eisdem præmissis tactis per eas prius coram vobis aut duobus sive plur' vestrum sacrosanctis Dei Evangel' corporaliter præstand' diligenter examinand' ne hoc pns' mandat' nostrum

strum
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Iu cuj

Ca

Rex
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& auct
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ve per
tes &
quam
vel ali
cessus
secund
Actus
Westm
Febru

strum reman' ulterius exequend' Damus
insuper omnibus & singulis Major' Vic'
Ballivis Constabular' & al' Officiar' Mini-
stris & Subditis nostris quibuscunque te-
nore præsentium firmiter in Mandato
quod vobis & cuilibet vestrum in execu-
tione præmissorum pareant obediant &
intendant prout decet periculo incumben'
In cujus, &c. Teste, &c.

Commissio ad recipiend' affidaviton'.

Rex, &c. Dilectis nobis A. B. de C.
in Com' nro S. salutem Sciatis quod nos
de fidelitat' industr' & provida circum-
spectione tua plurimum confidentes As-
signavimus & per præsentis assignamus te
præfat' A. B. Commissionar' nostrum pro
dicto Com' S. Ac tibi plenam potestatem
& auctoritatem damus & concedimus per
præsentis ad capiend' & recipiend' infra
Com' præd' omnia & singula sacramen-
tum & sacramenta quæ aliqua persona si-
ve personæ coram te præstare sint volen-
tes & desiderantes in five concernen' ali-
quam causam materiam five rem penden'
vel aliquo modo concernen' aliquas pro-
cessus in Cur' Scaccarii nostri apud Westm
secundum formam & effectum cujusdam
Actus in Parlamento nostro tent' apud
Westm per prorogation' quintodecimo die
Februarii anno regni nostri xxix^o intitula-
lat'

lat' An Act for taking Affidavits in the Countrey to be made use of in the Courts of King's-Bench Common-Pleas and Exchequer edit' & provis' habend' gaudend' & exercend' dictum Officium Commissionar' nostri (ut præfertur) & potestatem & auctoritatem præd' quamdiu nobis placuerit Teste W. M. &c. per Warrant' Capital' Baron' & al' Baron'.

Brevia de Dedimus potestatem ad recipiend' Sacr' Computan' ad veritat' Comp'.

Rex, &c. Dilectis nobis A. L. &c. Quia J. F. Ar' Capital' Collector Hundred' in Com' Essex' de omnibus denar' summis recept' prætextu separal' Ordinance fact' onerat' super Inhabitan' infra Hundred' præd' tricesimo die Junii Anno 1649. usque 24 Julii 1660. adeo debilis & tantis infirmitatibus corporis ad præsens detent' existit quod pro timore mortis ad Scaccarium nrm apud Westm ad reddend' Computum de prædicta Collectione personaliter accedere nequeat p-ut ex Sacramento J. A. coram Baronibus Scaccarii nostri præd' præstit' accepimus Nosque fidel' industr', &c. assignavimus vos fore Commissionar' nostros Ac vobis aut duobus sive plur' vestrum, &c. per præ-

præsentes ad computum præd' J. F. de C.
præd' pro tempore præd' sub sacramento
suo coram vobis aut duobus sive plur' ve-
strum corporal. præstand' recipiend. Et
ideo vobis mandamus quod ad præd' J. F.
personaliter accedatis aut duo sive plur'
vestrum personaliter accedant. Ac com-
putum suum de collectione præd' p tem-
pore præd' sub sacramento ejusdem J. F.
coram vobis aut duobus sive plur' vestrum
corporaliter juxta tenorem cujusdem sche-
dulæ præsentibus annex' & interclus' ab
eodem J. F. recipiatis aut duo sive plur'
vestrum recipiant. Ita quod præd' Com-
putum super sacramento suo in forma
præd' recept' mittatis aut duo sive plur'
vestrum mittant ad dictum Scaccarium
nostrum apud Westm' quam citius poterit-
is aut duo sive plur' vestrum poterint. Et
tandem, &c. Baronibus nostris sub sigillis
vestris aut duorum sive plur' vestrum una-
cum hoc brevi nostro ibidem liberand'
Teste, &c. per Rotulum Memorand', &c.
Et per Barones.

Dedimus ad eligend' Guardianum.

Rex, &c. Dilecto nobis (ut in Ded' ad
recipiend.) per præsentes ad evocand' co-
ram vobis aut duobus sive plur' vestrum
M. D. Bar' Infan' infra ætatem viginti &
unius annorum qui comperuit in Cur'

B b

Scaccarii

Scaccarii nostri apud Westm̄ per Billam Anglican' ad sectam A. B. versus præfat' defend' infan' & al' coram Canc' & Bar' de Scaccario nostro apud Westm̄ nuper exhibit') & Guardianum præfat' Infan' eligend' assignand' & appunctuand' Et ideo vobis mandamus quod ad hujusmodi diem vel locum sive dies & loca quos vel quæ ad hoc provideritis aut duo, &c. providerint circa præmissa, &c. intendatis Ita quod Guardianum præfat' Infan' eligetis assignetis & appunctuetis Et cum ill' sic feceritis Guardiani nomen sic per vos aut duos sive plur' vestrum p' præfat' Infan' elect' assignat' & appunctuat' Baron' de Scaccario nostro apud Westm̄, &c. sub sigillis vestris aut duorum sive plur' vestrum clausum mittatis aut duo sive plur' vestrum mittant Et hoc breve Teste, &c. per Barones.

Dedimus Potestatem ad recipiend' Placit' vel Respons. & Guard' eligend' Def'.

Rex, &c. Dilectis nobis T. A. &c. salutem Sciatis, &c. Assignavimus vos, &c. per præsentis ad T. B. ac ad evocand' coram vobis aut duobus sive plur' vestrum L. B. Infan' Defendentes qui comperuer' in Cur' Scaccarii nostri apud Westm̄ per Billam Anglic' ad Sect' H. S. Armig' versus præfat' Defendentem Infan' & al' co-
ram

ram Canc' & Baron' de Scaccario nostro
apud Westm' exhibit' & Guardian' præ-
fat' Infanti eligend' assignand' & appunc-
tuand' & præfat' Defend' & Guardian' de
& super mater' in billa sive petitione præd'
diligenter examinand' ac respons' placit'
sive morac' suas super eandem recipiend'
& in script' in purgamen' redigend' Et
Ideo vobis mandamus quod viso, &c. si-
ve dies & locos quos, &c. provid' &
circa præmissa diligenter intendatis aut
duo sive plur' vestrum intendant Ita
quod Guardian' præfat' Infan' eligetis as-
signetis & appunctuetis Et cum ill' sic
feceritis Guardian' per vos aut duos sive
plur' vestrum pro præfat' Infan' elect' assignat'
& appunctuat' & præfat' Defend' de
& super materiam in billa sive petitione
præd' super sacramenta sua per sancta Dei
Evangel' coram vobis aut duobus sive
plur' vestrum corporaliter præstand' dili-
genter examinetis aut duo sive plur' ve-
strum examinant & respons' placit' sive
morac' suas super eandem recipiatis & in
script' in Pargameno redigatis Et quod
respons' placit' sive morac' præd' in for-
ma præd' capt' Baron' de Scaccario no-
stro apud Westm', &c. sub sigillis vestris
aut duorum sive plur' vestrum claus' mit-
tatis aut duo sive plur' vestrum mittant
unacum nomine Guardian' præd' & hoc
breve Proviso quod H. L. habeat præmo-

nic' per spac' sex dierum de die & loco executionis hujus brevis nostri Teste, &c. per Ordin' Cur' & per Barones.

Dedimus ad recipiend' Respons'.

Rex, &c. Dilectis nobis A. S. &c. salutem Sciatis quod nos de fidel' industr' & providis circumspectionibus vestris in negotiis nostris agend' plur' confiden' Assignavimus vos, ac vobis ac duobus sive plur' vestrum plenam potestatem & auctoritatem damus & committimus per presentes ad Johannem Doe defend' de & super materia in petitione sive Bill' Anglie' per J. C. Clericum quer' coram Canc' & Baron' de Scaccario nostro apud Westm' versus ipsum nuper exhibit' diligent' examinand' & respons' suam super eandem recipiend' & in script' in Pergameno redigend' Ac ideo vobis mandamus quod viso tenore petitionis sive Bill' quem vobis mittimus presentibus annex' quod hujusmodi diem & locum sive dies & loca quos vel quæ ad hoc provideritis aut duo sive plur' vestrum providerint circa præmissa intendatis aut duo sive plur' vestrum intendant Ita quod præfat' Def. de & super materia in Petitione sive Bill' præd' specificat' super sacramenta sua coram vobis aut duobus sive plur' vestrum per sancta Dei Evangel' corporaliter præstand'

stand' diligenter examinatis aut duo five plur' examinant, &c. Et qd' respons' p'd' in forma præd' capt' Baron' de Scaccario nostro apud Westm' à die, &c. sub sigillis vestris aut duorum five plur' vestrum clausam mittatis aut duo five plur' vestrum mittant & hoc breve Proviso quod H. H. habeat præmonic' per spacium decem dierum de die & loco executionis præsentium Teste, &c. & per Barones.

*Dedimus potestat' ad examinand'
testes.*

Rex, &c. Dilectis nobis, &c. (ut supra) per præsentis ad testes quoscunque de & super quibusdam Articulis five Interr. tam ex parte J. L. quer' quam ex p'arte J. S. defend. ad proband. quendam contempt' commiss. per J. S. contra ordin' per Cur' Scaccarii nostri apud Westm' nuper fact' coram vobis aut duor' five plur' vestrum exhibend' five deliberand' diligenter examinand' Ac ideo vobis mandamus quod ad hujusmodi diem & locum five dies, &c. providerint testes prædictos coram vobis aut duobus five plur' vestrum venir' faciatis & evocatis ac ipsos testes & eorum quemlibet per se separatim de & super Articulis five Interr' præd' super sacram' sua coram vobis aut duobus five plur' vestrum per sca' Dei Evangel' corporaliter præstand'

præstand' diligenter examinatis aut duo
 five plur' vestrum examinant Examinati-
 onesque suas recipiatis & in script' in Par-
 gameno redigatis Et cum ill' sic ceperitis
 eas Baron' de Scaccario nro apud Westm
 à die, &c. sub sigillis vestris aut duorum
 five plur' vestrum claufas mittatis aut duo
 five plur' vestrum mittant unacum Interr'
 prad' & hoc breve Proviso quod L. ha-
 beat præmonic' per specium tresdecim di-
 erum de die & loco primæ Sessionis ve-
 stræ circa executiones hujus brevis Te-
 ste, &c. per Barones. Proviso quod si p-
 fat' Defend' examinaverit ullos testes vir-
 tute hujus brevis solvat ix s. vij d. di-
 mid' feod' hujus brevis.

*Hoc Proviso
 cum unus
 partiu' non
 solvit dimid.
 feod.*

Dedimus potestat' ad rec' Obligac'.

Rex, &c. Dilectis nobis, A. B. &c. sa-
 lutem Sciatis quod nos de fidelitat. in-
 dustr. & providis circumspeditionibus ve-
 stris in negotiis nostris agend. plur. con-
 fiden', &c. committimus per præsentibus ad
 duo separal. script. obligat' quorum te-
 nor præsentibus annex. mittimus de J. C.
 & quatuor al. habilibus & sufficien. per-
 son. quas idem J. C. coram vobis aut du-
 obus five plur. vestrum produxit' (viz.)
 duobus in quolibet eorum script. obligat.
 cum eodem J. obligand. in summa 200 li.
 & ad manu-capiend. & assignand. sub con-
 ditioni-

ditionibus ac modo & forma juxta formam præd. tenor. eorundem duorum script. obligat. ad usum nostrum recipiend. Et ideo vobis mandamus quod circa præmiss. ex parte nostra agend. ad certum diem & locum sive dies & loca quos vel quæ ad hoc provideritis diligentias vestras adhibeatis Ita quod præd. script. obligat. p ipsos sic debeat. figill. & ad usum nostrum deliberat' ceperitis habeatis coram Baron. de Scaccario nostro apud Westm̄, &c. Curia nostra tunc ibidem sub sigillis vestris distincte & aperte unacum hoc brevi nostro liberand Teste, &c.

*Breve directi. Auditori ad perimplend.
ordin. Curia.*

Rex, &c. Dilecto nostro W. C. Armigero Auditori Reventionum Coronæ nostræ infra Com. L. salutem Scias quod nos de fidelitate industria & provida circumspeditione tua in negotiis nostris agend. plur. confiden. assignavimus te ac tibi plenam potestatem & auctoritatem damus & committimus per presentes ad omnia & singula quæ in quadam ordinatione Curia Scaccarii nostri apud Westm̄ (cujus tenor annexatur) continentur exprimuntur & specificantur faciend. exequend. & perimplend. juxta vim formam & effectum ejusdem ordinis Et ideo tibi mandamus

B b 4

quod

quod ad hujusmodi diem & locum five dies & loca quos vel quæ ad hoc provide-
ris circa præmissa diligenter intendas Et
ea omnia & singula facias & exequar'
cum effectu in forma præd. Ita quod
totum factum tuum in præmissis habeas
coram Baronibus de Scaccario nostro ap-
ud Westm̄ quam citius poteris & tandem
in Crastino animarum sub sigillo tuo Cu-
riæ nostræ tunc ibidem unacum hac Com-
miss. nra liberand. Damus enim tibi plen'
potestatem & auctoritatem per præsentis
ad quasunque personas in præmissis exa-
minari idoneas coram te evocand. ac de &
in iisdem præmissis sacrosanctis Dei Evan-
gel' tactis per eas prius corporaliter præ-
stand. diligenter examinand. ne hoc præ-
sens Mandatum nostrum reman. ulterius
exequend. Damus insuper omnibus &
singulis Major. Vic. Ballivis & Constabu-
lar' & aliis Officiar. & Ministr. & subdi-
tis nostris quibuscunque tenore præsentium
firmiter in Mandat. quod tibi in exe-
cutione præmissorum pareant obediant &
intendant prout decet periculo incumben.
In cujus rei Testimonium has literas no-
stras fieri fecimus patentes Teste E. T.
Milite, &c. per Rotulum Memorand. de
eodem anno Regis hujus Michaelis Com-
mission. & Literarum Patentium Rotul.
Et per Ordin. præd. per Barones.

Breve

Breve de Commiss. ad Attach. Rebell.

Rex, &c. Dilectis nobis A. B. & C. D. salutem. Quia J. L. cui per publicas proclamationes per Vic. Com. nostri G. in diversis locis ejusdem Comitatus ex parte nostra præceptum fuit quod ipse idem Johannes sub pœna Ligeanc. suæ nobis per ipsum debet, personaliter comparet coram Baronibus de Scaccario nostro apud Westm̄ ad certum diem jam præterit. Mandat. tamen nostro in ea parte parere vero manifeste contempsit Ideo vobis & cuilibet vestrum conjunctim & divisim mandamus quod non omitt. propter aliquam libertatem quin eam ingred. & præfat. J. L. ubicunque invent. fuerit infra hoc Regnum Angliæ Dominium Walliæ & vill. Berwici super Tweed tanquam rebellem & legis nostræ contempt. attachiatis vel attach. faciatis aut unus vstrum attachiat' vel attachiari fac. Ita quod habeatis vel haberi faciatis aut unus vel plur. vestrum habeat vel haberi faciat corpus ejus coram Baronibus de Scaccario nostro apud Westm̄ quam citius poteritis aut unus sive plur. vestrum poterit & tandem decimo die Junii prox. futur. ad respondend. nobis de hiis quæ ei tunc ibidem objicientur & ulterius fac. & rec. in præmissis quod Cur. nostra tunc ibidem conf. in

in hac parte Damus etiam omnibus & singulis Majoribus Vic. Ballivis Constabular. & al. Officiar. Ministris & Subditis nostris quibuscunque tenere præsentium firmiter in mandat. quod vobis & cuilibet vestrum in executione præsentium auxiliantes & assisten. sint prout decet periculo incumben. In cujus rei testimonium has literas nostras fieri fecimus Paten. Teste, &c. per Rotulum Memorand. de eodem anno Regis hujus Michaelis Commission. & Literas Paten. Rot. Et per Barones.

Com. ad inquirend'.

Rex, &c. Dilectis & fidelibus Justic. nostris ad Assisas in Com. nostro E. capiend. assign. salutem Volentes certis de causis quod Baron. de Scaccario nostro per vos certiores fieri si quidam, &c. (**take the issue**) Necne Nosque de fidelitat. & industr. vestris plenar. confiden. assignavimus vos ad inquirend. per sacramentum pborum & legalium hominum Com. præd. in præmissis plenius veritat. juxta vim formam & effectum cujusdam process. inde penes dictum Scaccarium nostrum habit. cujus tenor. pro plenior. informatione vestra in præmissis habend. sub sigillo officii nostri præd. vobis mittimus inspiciend. Et ideo vobis mandamus quod

apud

apud Castrum E. in Com. E. præd. die
Lunæ acciden. vicesimo die Martii prox.
futur. personaliter accedatis & circa præ-
missa diligenter inquiratis Ita quod In-
quis. inde coram vobis distincte & aperte
capt. habeatis coram Baronibus de Scac-
cario nostro apud Westm̄, &c. eisdem Ba-
ronibus nostris tunc ibidem liberand.
Mandavimus enim Vic. nostro Com. præd.
quod venire faciat coram vobis ad dictum
diem & locum Jurat. Inquis. & ad faci-
end. Juramentum In cujus rei testimoni-
um has Literas nostras sub Sigillo Scacca-
rii nostri fieri fecimus Paten. Teste, &c.
per Rotulum Memorand. quod de eodem
anno Regis hujus Paschæ per Record. Rot.
Et per Barones.

Mittimus Record. in Com. Lanc.

Rex, &c. Justic. suis Com. sui Palatin.
Lanc. Record. cujusdam loquele coram
Baron. de Scaccario nostro apud Westm̄
inter L. N. gen. qui tam, &c. quer. & E.
H. defend. penden. vobis præsentibus in-
terclus. Mand. quod inspecto Record. p̄d.
Vic. prædict. Com. Lanc. quod venire
fac. coram vobis apud vill. Lanc. in Com.
prædicto ad certum diem per vos ad
tunc & ibidem limitand. duodecim libe-
ros & legales homines de vicinet. paroch.
de R. per quos rei veritas melius sciri po-
terit

terit Et qui nec prafat. H. E. aliqua affinitate attingunt ad recogn' super sacramentum suum si prædicta defendens inter vicesimū quartum diem Junii, &c. (**take the issue**) vel non Et ulterius talem processum versus Jur. Exit. prædict. triand. impanelland. sic fact. qualem secundum legem & consuetudinem Com. p̄d. in hujusmodi casu fieri consuet. fuerit quousque Exit. præd. plenar. terminetur Et cum verificatio & Exit. ill. ibidem vestra vob. fact. & triat. fuit tunc Record. loquelæ præd. cum eo quod inde coram vobis fact. fuerit Baronibus nostris præd. mittatis & hoc breve ad certum diem quem vel quos partibus prædictis ibidem præfigetis ad audiend. inde Judicium Teste, &c. per Record. præd. & per Barones,

Commissio ad rec. Sacramentum.

Rex, &c. salutem Sciatis quod nos de fidelitate industria, &c. Per præsentem ad sacramentum J. D. coram vobis aut duobus sive plur' vestrum juxta tenorem cujusdam Schedulæ præsentibus annex. præstand. ab eo recipiend. Ac ideo vobis mandamus quod circa præmissa diligenter intendatis aut duo sive plur. vestrum intendant ac tenore præsentium faciatis & exequamini aut duo sive plur. vestrum faci-

cian
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ciant & exequantur in forma præd. cum effectu Ita quod præd. sacramentum præfat. J. D. in forma præd. recept. Baronibus de Scaccario nostro apud Westm̄ quam citius poteritis aut duo sive plur' vestrum poterint & tandem in Octabis Purificationis beatæ Mariæ Virginis prox. sub sigillis vestris aut duorum sive plur. vestrum claus. mittatis aut duo sive plur. vestrum mittant unacum hoc brevi nostro liberand. Telle, &c.

*Commissio ad recipiend. Sacramentum
super Licenc. concordand.*

Rex, &c. Dilectis nobis J. H. gen. H. C. gen. & C. H. gen. salutem Sciatis quod nos de fidelitate industria & providis circumspeditionibus vestris in negotiis nostris agend. plurimum confiden. Assignavimus vos ac vobis aut duobus sive plur. vestrum plenam potestatem & auctoritatem damus & comittimus per præsentēs ad recipiend. sacramentum S. R. gen. super licenc. ei per Cur. Scaccarii nostri apud Westm̄ concess. ad componend. & agend. cum J. C. Mercat. secundum formam sacramenti licenc. præd. subscript. quam vobis mittimus præsentibus annex. Et ideo vobis mandamus qd. ad hujusmodi diem & locum quos ad hoc provideritis aut duo sive plur. vestrum præviderint circa præmissa diligent. intendatis
aut

aut duo five plur. vestrum intendant Ita quod sacramentum præd. in forma præd. recipiatis aut duo five plur' vestrum recipiant Et cum ill. sic ceperitis Baron. de Scaccario nostro apud Westm̄ quam citius poteritis aut duo five plur' vestrum poterint & tandem à die sancti Michaelis prox. futur. in unum mensem sub sigillis vestris aut duorum five plur. vestrum claus. mittatis Cur' nostræ tunc ibidem unacum licenc. præd. & hoc breve Teste M.H. apud Westm̄ decimo quarto die Junii anno regni nostri decimo sexto per Baron.

Licence.

Licence is granted by this Court to S. R. gen. Plaintiff to commune compound and agree to and with J. C. Merchant Defendant who claimeth the property of six pieces of Silk lately seized and arrested by the said Plaintiff as forfeited of which an Information is exhibited in this Court by Easter Record, anno vicesimo septimo Caroli secundi Rotulo So that the said Plaintiff doe by the end of Trinity Terme, 1665. set down upon his Oath what summe or summs of money or other consideration he or any other for him or to his use or with his privity hath received or shall receive for and by way of Composition for the

the same goods or in the same Cause by any means either directly or indirectly otherwise this Licence to be void to all intents and purposes.

Oath to a Licence.

The abovenamed S. R. maketh Oath that he hath received by way of Composition for the goods abovementioned the summe of Eighteen pounds five shillings and eight pence and no more and that neither he nor any other to his use hath received or shall receive any other summe of money or other consideration for the said goods by way of Composition or otherwise upon any pretence whatsoever either directly or indirectly.

*Commissio ad rec. libros Collector.
Custum'.*

Rex, &c. Dilectis nobis H. C. Ar. E. H. gen. J. W. gen. & J. S. gen. salutem Quia C. W. Ar. Collector noster Custum. Subsid. & al. debit. nostrorum in Port. nostro de **Plymouth & Fovey** & in singulis locis & crecis eidem Portui adjacentis negotiis nostris ad præsens versetur ut sine magno præjudicio & dampnis nostris & ejus dispendio non modico & gravamine ad Scaccarium nostrum apud Westm.

Westm̃ ad libros suos tangen. Coll. Cus-
tum & Subsid. nostra liberand' juxta
consuetud. dicti Scaccarii nostri in ea par-
te ulitat' personaliter accedere nequeat
prout credibiliter informamur Vos igitur
de fidelitate industriis & providis circum-
spectiōibus vestris in negotiis nostris a-
gend. plurimum confiden. assignavimus
vos ac vobis aut duobus sive plur. ve-
strum potestatem & auctoritatem damus
& committimus per præsentes ad prædic-
tos libros præd. Coll. tangen. Cusum sub-
sid. & al. debit. nostra in Port. præd. pro-
venien à festo Natalis Domini anno regni
nostri vicesimo primo usque festum diem
extunc prox. sequen. scilicet per spatium
unius anni integri sub sacramento corporali
præfat. Coll. coram vobis aut duobus sive
plur. vestrum juxta tenorem & effectum
cujusdam schedulæ præsentibus annex. ab
eo recipiatis aut duo sive plur. vestrum
recipiant Ita quod dictos libros dicti Col-
lectoris sub sacramento suo in forma præd.
per vos aut duo sive plur. vestrum recept.
mittat' aut duo sive plur. vestrum mittant
ad Scaccarium nostrum quam citius pote-
ritis aut duo sive plur. vestrum poterint
Et tandem à die Paschæ in unum men-
sem prox. futur. sub figillis vestris aut
duorum sive plur. vestrum sub sigillo præ-
fat. Coll. Cur. nostræ tunc ibidem unacum
hoc brevi nostro liberand. Teste M. Hale
apud

apud Westm̄ decimo tertio die Februarii
anno regni nostri vicesimo tertio per Ba-
ron.

The Collectors Oath.

*You shall swear that these Books do con-
tain a true entry of all and singular Goods,
Wares and Merchandizes coming into the
Ports of Plymouth and Fowey and Creeks
and Places thereunto belonging from the
Feast of the Nativity of our Lord God in the
one and twentieth year of the reign of our
Sovereign Lord Charles the second untill
the said Feast then next following, and al-
so of the Customs Subsidies and other Du-
ties due for the same, and the nature,
weight and quantity of the said Goods
and Merchandizes, without any omission,
or concealment, and also of all Goods carried
from any Port of this Realm to the said
Ports of Plymouth and Fowey by all the
time aforesaid; according to the true mea-
ning of the Orders heretofore made by the
late Queen Elizabeth by the Advice of her
Council and remaining in the Custome-house
of the said Port of Plymouth and Fowey :
So help you God.*

Cc

Com-

*Commissio ad examinand. audiend. &
terminand. Commiss. directi.*

REX, &c. Dilectis nobis Roberto Nap-
per Armigero & J. W. gen. salutem Cum
nonnullæ lites & controversiæ coram Can-
cellario & Baronibus de Scaccario nostro
apud Westm' Necnon ad legem permot' &
incept' fuerunt inter J. S. gen. quer. &
N. M. & E. uxor' ejus & E. B. defend.
tangen', &c. pro finali determinatione
quarum quidem litu' & controvers. inter
partes præd. ex eorum assensu vestris Ju-
diciis & Arbitriis stare concordaverunt
Sciatis igitur quod nos de fidelitate indu-
stria & providis circumspectionibus ve-
stris in negotiis nostris agend. plurimum
confiden' assignavimus vos fore Commis-
sionar' nostros ac vobis aut duobus sive
plur' vestrum quorum unum vestrum ex
utraque parte elect' unum esse volumus
plenam potestatem damus ad lites & con-
troversias præd' inter partes præd' indeci-
penden' audiend' examinand' & finaliter
secundum discretionem vestras aut duorum
sive plur' vrm quor' un' ex utraque parte
elect' unum esse volumus determinand.
Et ideo vobis aut duobus sive plur' ve-
strum quor' un' vrm ex utraq; parte elect'
unum esse volumus die Jovis decimo quin-
to instan' mensis Junii ad insigne Alb'

Cervi

Cervi in C. in Com' nostro K. circa horam
decimam ante meridiem ejusdem diei cir-
ca præmissa diligenter intendatis aut duo
sive plur' vrm quor' un' vestrum ex utra-
que parte elect' unum esse volumus inten-
dant & causas controvers. prædict' dili-
genter audiat. Ac ut melius in præmis-
sis procedere valeatis Damus vobis aut
duobus sive plur' vrm quor' un' vrm ex
utraq; parte elect' un' esse volumus plenam
potestat' & auctoritat' p' p'sentes ad quas-
cunq; personas in p'missis examinari idon'
coram vobis aut duobus sive plur' vrm
quorum unum vrm ex utraque parte elect'
unum esse volumus evocand' per sancta
Dei Evangelia corporal. præstand' dili-
genter examinand' examinationesque su-
as recipiend' & in script' in Pargameno
redigend' ne hæc præsens Mandat' no-
stru' reman' ulterius exequend'. Ac tam su-
perinde quam lectis depositionibus in aliis
causis in hac Cur' penden' inter, &c. &
al' Evidenc' ex utraque parte prosequend'.
Ac ompibus aliis viis mediis & modis
quibus melius sciveritis aut poteritis aut
duo sive plur' vestrum quorum unum ve-
strum ex utraque parte elect' unum esse
volumus easdem controversias finaliter (ut
præd' est) scdm' sanas discretion' vestras
determinetis aut duo sive plur' vestrum
quorum unum vestrum ex utraque parte
elect' unum esse volumus determinent ut

res postulat ad secundum iustitiam ac veritatem causæ. Ita quod totum factum vestrum aut duorum sive plur' vestrum quorum unum vestrum ex utraque parte elect' unum esse volumus in præmissis habeatis aut duo sive plur' vestrum quorum unum vestrum ex utraque parte elect' unum esse volumus habeant coram Baronib' de Scaccario nostro apud Westm. quam citius poteritis & tandem vicesimo tertio instant' mensis Junii. Cur' nostr' tunc ibidem sub sigillis vestris aut duorum sive plur' vestrum (ut supra) unum esse volumus una cum hac Commissione ut iidem Barones nostri ulterius in præmissis fecerint & ordinaverint quod iustitia in ea parte suadebit. Damus etiam omnibus & singulis Majoribus Vic' Ball' Constabular' & Officiar' & Subditis nostris quibuscunque tenore præsentium firmiter in mandat' quod vobis & cuilibet vestrum in executione præmissorum parént obediant & intendant prout decet periculo incumben'. In cujus rei testimonium has literas nostras fieri fecimus Patentes. Teste, &c.

Commissio ad rec. Recognic.

Rex, &c. Dilectis & fidelibus nobis E. B. Bar' W. L. Mil' B. B. Mil. W. C. Ar. R. D. Ar. & R. B. Ar. salutem Sciatis quod nos securitat' nostræ in negotiis no-

stris

stris ag
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stris agend' prospicere volen' ac de fidelitate industria & providis circumspeditionibus vestris plurimum confiden' Assignavimus vos ac vobis ac duobus sive plur. vestrum plenam potestatem & auctoritatem damus & committimus per presentes ad recipiend' pro nobis ad usum nostrum quatuor separal' recognitiones de C. W. de W. Baronett' tenend' & obligand' nobis in ducent' & quinquagint' libris legalis monet' Angliæ de T. W. de B. Mil' tenend' & obligand' nobis in ducent' & quinquagint' libris similis monet' Angliæ de W. W. de L. Armigero tenend' & obligand' nobis in Ducent' & quinquagint' libris Et de W. W. de L. Armig. tenend' & obligand. nobis in ducent. & quinquagint. libris similis monet. Angliæ pro R. W. gen. nominat' Receptor' general' omnium & singularum revention' nostrarum infra separal' Com' Bed' & Buk. Et p' debita executione officii sui præd. & ad respondend. nobis & successoribus nostris de revention. præd. modo & forma prout in quibusdam Schedulis præsentibus annex. continetur & specificatur Et ideo vobis mandamus quod ad hujusmodi diem & locum sive dies & loca quos vel quæ ad hæc provideritis aut duo sive plurius vestrum providerint circa præmissa diligenter intendatis aut duo sive plurius vestrum intendant Ita quod recognitio-

Brevia Cur' Scaccarii.

nes præd. in forma præd' recipiatis aut duo sive plur. vñ recipiant Et cum ill' sic receper' habeat' aut duo sive plur', &c. habeant coram Baronibus de Scaccario nostro apud W. qm̄ citius poteritis & tandem in Crastino Ascensionis Domini ꝑx' futur' sub sigillis vñs aut duor' sive plur' vestrum unacum hoc brevi nro liberand. ut easdem Recognitiones in Memorand. dicti Scaccarii irrotulari faciamus Teste M. H. Mil. &c. per Warrant. Thesaurarii Angliæ Et per Barones.

Breve de Capias ad respond' Information'.

Rex, &c. Vicecomiti Midd' salutem Præcipimus tibi quod non omitt' propter aliquam libertatem quin eam ingred' & capias A. B. ubicunque eum inveniris in Balliva tua Et cum salvo & secure custod' Ita quod habeas corpus ejus coram Baron' de Scaccario nostro apud Westm, &c. ad respondend' nobis de certis Articulis unde ipse per quandam Informationem coram præfat' Baronibus nostris per N. P. qui tam, &c. nuper exhibit' impetit' existit Et ad ulterius faciend' & recipiend' in præmissis quod Cur' nostra tunc ibidem duxerit ordinand' Et habeas, &c. per Rotulum memorand', &c. Et per Baron' *If the Defendant be*

an

an Alien, then say (cap. A. B. alien'
which is all the alteration,)

Breve de Certiorar. Deposic'.

Rex, &c. Dilectis nobis A. B. &c. salutem Volentes certis de causis quod Baron de Scaccario nostro apud Westm per vos certiorentur de & super tenor' omnium & singularum examinationum & depositionum quorumcunque testiu' tam ex parte, &c. per vos aut duos sive plur' vestrum virtute brevis nostri de Dedimus potestatem vobis aut duobus sive plur' vestrum direct' examinat' & capt' quæ in custod. vestra aut alicujus vestrum adhuc remanent & penes vos aut duos vestrum jam resident (ut dicitur) vobis igitur & cuilibet vestrum mandamus quod tenores examination' & deposition' testium præd' cum omnibus ea tangen' quibuscunque nominibus partes præd' censeantur coram Baronibus nostris præd' in dictum Scaccarium nostrum apud Westm præd' à die sanctæ Trinitatis in tres septimanas sub sigillis vestris aut duorum sive plur' vestrum claus. distincte & plane mittatis unacum hoc brevi nostro Teste, &c. per ordin' Cur. & per Barones.

Certiorari Legum Doctori Curia Prærogative Cantuar' direct' ad certificand' obligac'.

Rex, &c. Dilecto & fideli W. M. Mil' Legum Doctori Cur' Prærogative Cantuar' Magistro five Commissario legitime constitut. Ac dilecto nobis M. C. Arm' Registr' Curia Prærogative præd. salutem Volentes certis de causis quod Baron' de Scaccario nro apud Westm per vos certioventur de & super quodam script' obligat' in quo F. H. paroch' sancti Petri prope Ripam Paulinam London Dier' & R. M. poch sancti Michaelis London Gen tenentur nuper prætens' Custodibus libertatis Angliæ auctoritate Parliamenti in quadragint' libris bonæ & legalis monete Angliæ Dat' vicesimo tertio die Februarii Anno Domini stilo Angliæ 1648. vobis præcipimus quod illud scriptum obligatorium unacum omnibus id tangen' adeo plene & integ. put idem coram vobis ad p'sens residet sub sigillis vestris aut unius vrm mittat' aut unus vrm mittat p'fat' Baronibus de Scaccario nostro quam citius, &c. tandem quarto die Julii unacum hoc brevi ut Barones nostri superinde ex parte nostra fac. &c. Teste, &c. per ordinem Cur' hoc termino fact' & per Barones.

Cer-

*Certiorar' Archiepiscopo direct. ad certifi-
cand. quo die alius Episcopus obiit.*

Rex, &c. Reverendissimo in Christo
Patri G. Providentia divina Cantuar' Ar-
chiepiscopo salutem Volentes certis de
caulis quod Barones nostri de Scaccario
nostro cercioarentur quo die & anno Reve-
rendus in Christo Pater Johannes nuper
Episcopus Sarum diem suum clausit ex-
tremum Et quamdiu idem Episcopatus
post mortem præfat' Johannis nuper E-
piscopi Sarum vacaverat Et quo die &
anno Reverendus in Christo Pater A. mo-
do Episcopus Sarum in Episcopatum Sa-
rum præd' consecratus extiterat vobis
mandamus quod scrutat' Regr'is & al'
Archivis vestris præmissa tangen' ac om-
nibus aliis viis & modis quibus melius
sciveritis aut poteritis Barones nostros
prædictos super præmissis sub sigillo ve-
stro authentico in Pergameno cum omni
qua poteritis festinatione distincte red-
datis cerciores Certificationem vestram su-
per præmissis præfat' Baron' remittentes
unacum hoc brevi nostro Teste, &c. per
Warrant' Capital' Baron' indors' Ac p
Barones.

Cerci-

Cerciorar' ad certificand' Fin'.

Rex, &c. Justiciariis nostris ad Assisas pro Comitatu nostro Hertf. tenend. Assignat' Justiciariis nostris ad Gaolam nostram Comitatus præd' de prisonibus in eadem existen' deliberand' assignat' necnon Custod' pacis ac Justic' nostris ad diversas felon' transgres. ac al. malefacta in eodem Com' perpetrat' audiend' & terminand' assignat' salutem Volentes certis de causis quod Barones de Scaccario nostro apud Westm per vos certiores de tenore cujusdam finis sive amerciamenti super J. R. Bar' nuper Vic' Com' præd' per vos seu aliquos vestrum nuper imposit' vobis præcipimus quod tenorem finis sive amerciamenti præd' unacum omnibus eum tangen' adeo plene & integre ac tam amplis modo & forma p' ut coram vobis residet quocunque nomine sive additione nominis idem J. R. Baronettus censeatur habeatis coram Baronibus de Scaccario nostro apud Westm a die Paschæ in tres septimanas ut iidem Baron' superinde p' nobis fieri faciant qd' de jure & secundum leges & consuetud' regni nostri Angliæ fuerit faciend. Et habeatis ibi tunc hoc breve Teste, &c. 28 die Aprilis per Warrantum Attornat' Domini Regis general' & per Barones.

Cer.

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*Cerciorari de Indictamento coram
Justic'.*

Rex, &c. Dilectis nobis Justiciariis nostris de quibuscunque Proditionibus Missis & aliis Articulis & Offens' infra Civitatem London. & Suburb' ejusdem fact' & perpetrat' assignat' & vestrum cuilibet salutem Volentes certis de causis quod Barones de Scaccario nostro apud Westm per vos certiorentur super quandam Indictament' in quo quidam B. S. de, &c. cum aliis tricesimo tertio die Januarii Anno, &c. coram nobis indictat' fuit eo quod ipse voluntarie audiverat Missam contra formam Statuti in hujusmodi casu editi & provisi Vobis mandamus quod tenor Indictamenti prædicti unacum omnibus idem tangen' in tam amplis modo & forma prout coram vobis residet habeatis coram Baronibus nostris præd. apud Westm, &c. Curia nostræ tunc ibidem unacum hoc brevi nostro liberand. Teste, &c. per Barones.

Breve

*Breve de Certiorand' Recogn' cap' coram
Vic' & Coronat' pro bona gestura.*

Rex, &c. T. O. Bar' nuper Vic' Com' nostri E. Necnon R. C. & T. G. Coronatoribus nostris Com' præd' salutem Volentes certis de causis Quod Barones de Scaccario nostro apud Westm' vos certiores de & super quibusdam Recognitionibus per quosdam J. S. de C. in Com. E. gen. T. L. de M. in Com' præd. gen. C. V. de S. in Com' pd. gen. M. W. de M. in Com. pd. gen. J. L. de S. in Com' pd. gen. H. W. de C. in Com. præd. gen. & M. L. de eadem gen. coram vobis vicesimo secundo die Marci anno regni nostri quatuordecimo virtute brevis nostri vobis in ea parte direct' Recognit', viz. prædictus J. S. in mille libris Et prædicti T. L. C. V. M. W. J. L. H. W. & M. L. conjunctim & divisim in quingentis libris de separalibus bonis & catallis terris & tenementis suis levand' si præd' J. S. deficeret in performance Conditionis subsequen' (viz.) Quod se bene gerebit erga nos hæredes & successores nostros & cunctum populum nostrum Vobis & cuilibet vestrum mandamus quod Recognit' ill' unacum omnibus eas tangen' adeo plene & integre put coram vobis ad pns' residet præfat' Baronibus nris de dicto Scaccario nostro

nostro apud Westm̄ quam citius poteritis
& tandem à die sancti Michaelis in tres
septimanas prox' futur' sub sigillis vestris
mittatis unacum hoc brevi ut iidem Ba-
ron' superinde ex parte nostra fieri faci-
ant quod de jure fuerit faciend. Teste M.
H. Mil', &c.

*Breve ad cerciorand. Attach. de bonis ex
Majoris Cur' & Cur' de Aldermannis
Guild-hall.*

Rex, &c. Majori Aldermannis & Vic'
London. & vestrum cuilibet salutem Vo-
lentes certis de causis nos & prerogativam
nostram tangen' quod Baron' de Scaccario
nostro apud Westm̄ per vos certiorentur
tam de & super omnibus & singulis loque-
lis quærelis bill' original' sive actionibus
coram vobis seu aliquo vestrum levat' sive
affirmat' versus J. R. Civem & Pellipol'
London quam de omnibus & singulis At-
tachment' superinde fact' aliquarum pe-
cuniarum sum' in man' J. F. & W. P.
vobis mandamus quod tam loquel' que-
rel' sive actiones præd. quam Attachment.
præd. cum omnibus ea tangen' qui-
buscunque nominibus partes præd. in Lo-
quel' Querel' Bill' original. sive actioni-
bus ill' censeantur præfat' Baron' nostris
apud Westm̄, &c. sub sigillis vestris aut
alicujus vestrum cujus interest in hac pte
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certificetis unacum hoc brevi Prohibentes vos & unumquemq. vestrum ne aliquod pretextu Attachiamen. præd. Attemptetis quod in nostri dampnum vel prejudicium aut prærogativæ præd. derogationem cedere valeat quovismodo Teste &c. per Warrant.

*Brevia de liberand' post Confession'
Attorn'.*

Rex &c. A. B. salutem Cum C. D. Mercat. claman. proprietat. &c. seisit. & arrestat. ad se pertinere venit coram Baronibus de Scaccario nostro apud Westm. & placitavit ad informac' per te exhibit. Et superinde per Consideration. Baron. de Scaccario nostro apud Westm. adjudicat. existit quod bona præd. præfat. C. D. reliberarentur prout per Record. inde apparet Ideo tibi præcipimus quod immediate post receptionem hujus brevis nostri bona præd' & qmilib. inde parcell. præfat. C. D. sive ejus in hac parte assign. reliberas seu reliberari fac. indilate tenore præsentii Teste &c. per Rotulum Memorand. &c. Et per Barones.

Breve de liberand' bona seisis'.

Rex, &c. A. B. &c. salutem Quia C. D. claman. proprietat. trium Doleor. Vini Franco.

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Franc. p vos aut unum vestrum nuper ad opus nostrum & vestrum prafat. A. B. &c. certis de causis tanquam forent pertin. seisit. & arrestat. ad se pertinere invenit sufficien. securitatem coram Baronibus de Scaccario nostro apud Westm. ad satisfaciend. nobis & vobis prafat. A. B. &c. de precio sive valore bon. præd. in casu quo eadem bon. aut aliqua inde parcell. ob aliquam causam in aliqua informatione coram prafat. Baronibus nostris per vos seu aliquem vestrum nuper exhibit. sive imposterum exhibend. imposterum forent adjudicari contigerint prout per record. di& Scaccarii nostri plenius apparet vobis igitur præfat. A. B. &c. præcipimus quod immediate post reception. hujus brevis nri bon. præd. & qm̄libet inde parcell. præfat. C. D. sive ejus in hac parte assig. reliber. seu reliberari fac. immediate tenore præsentium Volumus enim te inde erga nos exonerari pretextu securitat. præd. Teste &c. per Rotulum Memorand. &c. Et per Barones.

Breve de liberand. post finem.

Rex &c. Quia A. B. &c. clamans proprietat. &c. nuper ad opus nostrum &c. seisit. & arrestat. ad se pertinere venit coram Baron. de Scaccario nostro apud Westm. & fecit nobiscum finem super quandam

quandam Informac. per te coram dicto Baron. nostris nuper exhibit. pro seizure bon. præd. prout per Record. inde plenius aparet Tibi igit. præcip' qd' immediat. post reception. hujus brevis nostri &c. (ut supra)

Breve de liberand' post Judicium.

Rex &c. A. B. &c. salutem Cum C. D. Mercat. claman. proprietat. &c. seifit. & arrestat. ad se pertinere venit coram Baronibus de Scaccario nostro apud Westm. & placitavit ad Informac. per te exhibit. & superinde per considerationem Baron. de Scaccario nostro apud Westm. adjudicat. existit quod bona præd. præfat. C. D. reliberarentur prout per record. inde apparet Ideo tibi præcip' quod immedie post reception. hujus brev' nri &c. ut supra.

Breve de liberand.

Rex &c. Majori Cicestr' in Com. Suffex. salutem quia R. C. & N. F. clamantes proprietat. quatuor Fardell. lane per O. B. tanquam forent seifit. ac in quadam Informatione coram Baron. de Scaccario nostro apud Westm. Termino Paschæ ult. præterit. per ipsum O. exhibit. spec. invener. Nobis sufficien. securitat. coram eisdem Baronibus nostris ad satisfaciend. nobis & præfat. O. B. de precio sive valore iv. Fardell.

Fardell. lane in casu quo eadem bona ob aliquam causam in dicta Informatione spec' impostorum forent adjudicari contingerent prout in Memorand. dicti Scaccarii nostri (viz.) in recognit. de Termino Paschæ anno regni nostri quarto quoad securitatem illam plenis apparere potest Tibi præcipimus firmiter injungen. quod imediate post receptionem hujus brevis nostri liberas seu liberari facias præfat. R. C. & N. F. præd. bona & quilibet inde parcellam modo in manibus & possession. tuis (ut dicitur) remanen. & existen. p Indentur. inter te & prædictos R. & N. liberation. inde testifican. debit' conficiend. per quas & hoc breve nostrum volumus te ac præfat. O. B. pro liberatione inde erga nos exonerari Teste &c. per Rotulum &c. & per Barones.

Breve de liberand. bon. seifit.

Rex &c. T. J. gen. & F. D. gen. salutem præcipimus vobis præfat. T. J. & F. D. quod ill. xx. l. fructus extran. per te præfat. T. certis de causis tanquam forent. pertin. seifit. & arrestat. per sacrum. procorum &c. hominum Com. nostri K. juste & fidelit. ponderari & appreciari fac. p Indentur. inde int. vos præfat. T. & F. & appreciatores præd. pondus atq; pretl. inde continen. debite conficiend. Ita quod

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alteram

alteram partem Indentur. præd. habeatis coram Baron. de Scaccario nostro apud Westm. in Crastino sanctæ Trinitatis prox. futur. Cur. nostræ tunc ibidem unacum hoc brevi nostro liberand. Et quia T. G. clamans proprietat. bon. præd. ad se pertinere invenit securitat. coram Baronibus de Scaccario nostro apud Westm. ad satisfaciend. nobis & tibi præfat. T. de precio five valore bon. præd. in casu quo eadem bona ob aliquam causam in aliqua informatione per te præfat. T. J. nuper exhibit. five impofterum exhibend. spec. impofterum forent. adjudicari contigerint Vobis igitur præfat. T. J. & F. D. præcipimus quod imēdiatē post receptionem hujus brevis nostri vel notic' inde per vos vel alterum vestrum habitam præd' bon. & qm̄libet inde parcell. præfat. T. G. aut ejus Assign. reliberatis aut unus vestrum reliberat imēdiatē tenore presentium volumus enim vos & utrumq; vestrum inde erga nos exonerari pretextu securitatis prædictæ Teste &c. per Rotulum Memorand. de eodem Anno Regis hujus recogn. Ro. &c. ac per ordinem Cur. & per Barones.

Breve

*Breve de Diem clausit extremum super
assignation'.*

Rex' &c. Vic' D. salutem Quia W.
B. Ar. nuper Vic' Com. nostri S. nobis
ad præsens indebitat' existit in diversis
denariorum summis ratione officii sui
præd' prout per Recordum Scaccarii no-
stri apud Westm' plenius apparet Cumque
J. L. de W. in dicto Com. S. **Peoman**,
E. C. & J. B. de C. in Com. præd. gen.
R. H. de C. in Paroch. de C. præd. **Tan-**
ner, & R. B. de F. in paroch. de C. præd.
Peoman, per obligat' dat' decimo ter-
tio die Januarii Anno regni nostri duo-
decimo ten' præfat. W. B. in mille libris
legalis monet' Angliæ solvend' ad certum
diem præterit' Quam quidem obligatio-
nem unacum prædicta summa mille libra-
rum in eadem spec' idem W. B. p bon'
& sufficien' Conveiant' suam in lege ge-
ren' dat' tricésimo die Julii Anno regni
nostri decimo quarto in & vers. solution'
& satisfaction' tanti de debito suo nobis
dedit concessit & assignavit Cumque p-
fat' Robertus H. diem suum clausit ex-
tremum ut accepimus Nosque de dictis
mille libris nobis jam debet' omni celeri-
tate qua poterimus satisfieri volen. ut est
iustum Tibi præcipimus quod non omitt'
propter aliquam libertatem quin eam in-
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gred. Ac tam per ſacramentum proborum & legalium hominum de balliva tua per quos rei veritas melius ſciri poterit quam omnibus aliis viis mediis & modis quibus melius ſciveris aut poteris diligenter inquir. quibus die & anno ac ubi præd. R. H. obiit Ac quæ & cujuſmodi bona & catalla & cujuſ precii ac quæ debit. credit. & ſpecialitat. præd. R. H. habuit in dicta balliva ſua dicto die quo obiit Ac ad cujuſ vel quorum man. dict. bon' & catall. debit. credit. & ſpecialitat. poſt mortem prædicti R. H. devener. ac in cujuſ vel quorum man. jam exiſt. Ac quas terras & qua tenementa & cujuſ Annuī valoris prædictus R. H. habuit in dicta balliva tua dicto xxx. die Julii quo die nobis primo debitor inde devenit ſeu unquam poſtea hucuſq; Ac quis vel qui exit. & profic. terr. & ten. prædict. a tempore mortis ſuæ percepit vel habuit perceper. vel habuer. ac modo percipit & habet percipiant & habent. Eaſq; omnia & ſingula prædicta bona & catalla terr. & ten. debit. credit. & ſpecialitat. in dicta Balliva tua in quorumcunq; man. jam exiſt. per ſacrum. proborum & legal. hominum diligenter appreciari & extend. ac in man. noſtras cap. & ſciſiri fac. ut ea quouſq; nobis de debito præd. plene ſatisfact. fuerit habeamus juxta formam ſtatuti pro hujusmodi debitis noſtris recuperand.

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& C.
balliva
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perand' inde nuper edit. & provis. Ac
tibi ulterius præcipimus & potestatem da-
mus per pñtes ad quascunq; personas in
premissis exaiari idon' coram te evocand'
ac de & in eisdem premissis diligenter
examinand. ne hoc presens mandatum no-
strum reman. ulterius exequend. Et qua-
lit. hoc præceptum nostrum fueris execut.
Baron. de Scario nostro apud Westm.
a die sancti Hillarii in quindecim dies
prox' futur. distinde & aperte constare
fac. Et habeas ibi tunc breve Proviso
quod bona & catall. ill. quæ in man. nras
occasione hujus brevis nri ceperis non
 vendas seu vendi fac. quousq; aliter a
 nobis habueris in mandat. T. H. D. Mil.
 apud Westm. xxviii. die Novembr. anno
 regni nostri xv. per Assignac' prædict. per
 prædict. Ad' in Parliam. anno xxxii. nu-
 per Regis Henrici octavi tent. edit. & per
 Barones.

Brevia de Distringas ad audiend Judicium.

Rex &c. Vic. S. salutem præcipimus
tibi quod non omitt. propter aliquam li-
bertat. quin eam ingred. & Distring. A. B.
& C. D. per omnes terr. & catalla sua in
balliiva tua Ita quod nec ipsi nec aliquis
per ipsos ad ea manum appon. donec aliter
inde tibi præcipimus Et quod de exit.

earundem terrarum nobis respond. Et qd. habeas corpora eorum coram Canc. & Baron. de Scaccario nostro apud Westm. in Camera ejusdem Scaccarii die Jovis secunda sessione sua ibidem super diebus Jovis Termino sancti Hillarii prox' futur. ad audiend. Judic. &c. Et hoc &c. per Barones.

Distringas ad sol' custag.

Vic. Hunt. &c. (ut supra) ad solvend. A. B. quinq; Marc. legalis monet. Anglia super ipsos taxat. & Assess. &c. Et hoc &c. per Baron.

Distring. Jur. apud Westm.

Rex &c. Vic. Midd. salutem præcipimus tibi &c. Et quod habeas &c. vel interim coram dilecto & fideli nostro E. T. Mil. Capital. Baron. de Scaccario nostro prædicto apud Westm. in loco ubi Cur. ejusdem Scaccarii communiter ibidem custoditur die Jovis acciden. xx. die inst. mensis Maii circa horam primam post meridiem ejusdem diei si prius tunc ibid. advenit' ad faciend. quandam Jurat. inter nos & A. B. de certis Articulis unde posuimus nos in Inquiss. Et habeas ibi tunc hoc breve Teste &c. per Rotul. Memorand. &c. Et per Barones.

Dif-

Brevia Cur' Scaccarii.

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Distring' ad Assisas.

Vel interim coram dilectis & fidelibus
nris Justic. nostris ad Assisas in Com. Ebo-
rum præd. tenend. assign. qui per literas
nostras nunc Paten. sub sigillo Scaccarii
nostri assignantur ad Inquiss. ill. interim
capiend. apud Castrum E. in Com. præd.
die lune acceden. tertio die August. si
prius tunc ibidem advenit. ad faciend.
quandam Jur. &c.

Apud Guihald. Civitatis Lond. præd.
die circa horam &c.

Distring.
apud Gui-
hald. Lond.

Distring. ad faciend. ulter. respons.

Rex &c. Vic. Kanc. salutem præcipi-
mus tibi quod non omitt. propter aliquam
libertat. quin eam ingred. & Distring.
Magistrum socios & scholares Colleg. sive
Aulæ vocat. C. Hall in universitate Cant.
per omnes bon. & catalla sua in balliva
tua] Ita quod nec ipsi nec aliquis per ipsos
ad ea man' appon. donec al's inde tibi
præcipimus Et quod de exit. earundem
terrarum nobis respond. Et quod habeas
corpora eorum coram Baronibus de Scac-
cario nostro apud Westm. xiiij. die Febru-
arii prox. futur. ad faciend. ulterior res-
pons. ad quandam billam Anglican. per

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Re-

Reverend. in Christo prem. M. Episcop. Elien. coram Theff. Cancellar. Subthef. & Baron. de Scaccario nostro prædict. versus ipsos nuper exhibit. Et habeas ibi hunc hoc breve Teste M. H. Mil. apud Westm. xxxi. die Januarii Anno regni nostri xvii. per Barones.

Distring. Commission' ad retornand. deposition.

Rex &c. Vic. N. salutem præcipimus tibi quod non omitt. propter aliquam libertat. quin eam ingred. & distring. A. B. gen. N. B. gen. Et F. A. nuper Commissionar. virtute brevis nostri de Dedimus potestatem sub sigillo Scaccarii nostri assignat. examinand. ad testes de & super quibusdam Articulis sive Indentur. eis & al' exhibend. sive deliberand' in quadam causa per Bill. Anglic. coram Theff. Canc. sub-Theff. & Baron. de Scaccario nostro præd. penden. inter I. C. gen. & al' quer. W. D. & I. L. def. ex utraq; parte per omnes terr. & catalla sua in balliva tua Et eos salvo & secur. custod. Ita quod ipsi nec aliquis per quos ad ea man. appon. donec aliud inde tibi præcipimus Et habeas corpora eorum coram Baron. de Scaccario nostro apud Westm' xx. die Novembr. prox' futur' ad retornand. præd' breve unacum Interrogat. præd. & depositionibus testium superinde capt. Et habeas

beas ibi tunc hoc breve Teste M. H. Mil.
apud. Westm' xxxi. die Ooctbris Anno
regni nostri xviii. per ordin. Cur' hoc Ter-
mino fact' Et per Barones.

*Distring' versus Computan' pro retarda-
tione Compi.*

Rex &c. Vic. London, Midd. salutem
Cum B. G. Ar. nuper computans in Cur.
nostra coram Baronibus de Scaccario no-
stro pro summa CCCXI. li. x.s. ei im-
posit. per Recept. Scaccarii nri apud Westm'
recessit ab eadem Cur. sine licentia ejusdem
Cur. in nostri contempt. & comp. præd.
retardationem manifestam quæ transire no-
luimus impunit. vobis præcipimus quod
non omitt. propter aliquam libertatem quin
eam ingred. & attach. prædict. B. per cor-
pus suum ubicunq; eum inveneritis in
balliva vestra Et eum salvo & secur. cu-
stod. Ita quod eum habeat. coram Ba-
ron. de Scaccario nostro apud Westm' a
die Paschæ in quindecim dies prox' tam
ad respondend' nobis de contempt' præd'
quàm ad proseguend' computum suum
pro summa prædict' sic extra recept' Scac-
carii nostri recept' Et Nihilominus omnia
bona & catalla terr' & tenemen. præd'
B. in dicta Balliva vestra capiat in
man' nostras nominie districtiois Et ea
salvo

salvo & secur. custod' donec aliud inde vobis præcipimus Ita quod de bonis & catallis ill. & de Exit. & profic' eorundem teri' & ten' præd' nobis respondere possitis ad voluntatem nostram Ac quæ & cujuscumodi bon' & catall' prædict' B. & cujus precii ac quas teri' & quæ ten' & cujus annui val' ceperitis in eisdem manus nostras occasione premissorum & ubi unacum diebus caption' eorundem in eisdem manus nostras Necnon de tot' facto vestro in præmissis præfat. Baron. nostris ad dictos diem & locum distincite & aperte constare faciatis Et habeatis ibi tunc hoc breve Testo &c. per Rotul' Memorand' &c. Et per Barones.

*Distingas nuper Vic' ad deliberand.
corpus.*

Rex, &c. Vic' Midd' salutem præcipimus tibi quod non &c. Et Distring. A.B. nuper Vic' Com' præd' pdecessorem tuum per omnes terr' & catalla sua &c. ad liberand' tibi corpus C. D. quem per breve nostrum de extend' sub sigillo Scaccarii nostri cepit prout ipse Baron' nostris apud Westm' ad certum diem jam præterit' mand' quod corpus prædict' C. D. habere possis coram præfat' Baron' ad dictos diem & locum ad respondend' nobis de

certis

certis Articulis tunc & ibidem ex parte nostra obijciend' Ac ad ulterius faciend' & recipiend' quod Cur' nostra tunc ibidem duxit' ordinand' Et habeas &c Teste &c.

Distringas decem tales.

Rex, &c. (ut in priori brevi) unde posuimus nos in Inquiss. Et præter Jur. præd' venire fac' coram præfat. Boronibus nostris ad dictos diem & locum decem tales probos & legales homines de dicta Balliva de Vicinet' de &c. Ad fac' Jur' præd' ne Jur' ill' pro defectu Jur' reman' ulterius capiend' Et habeas nomina Jur' de novo apposit' Et hoc breve Teste &c.

Breve de Ducens tecum super breve de Attach.

Rex, &c. Vic. Glouc' salutem Cum per breve nostrum sub sigillo Scaccarii nostri tibi nuper præcepimus quod non omitteres propter aliquam libertatem quin eam ingred' & Attach' (reciting le Writ to the Teste) prout in eodem brevi (inter al) continetur Tuq; ad eundem diem retorn' breve præd' & superinde mand' quod &c. (recite le indorsment) sicut in dorso ejusdem brevis silit' continetur quod

quod est in ligula brevium execut' pro nob' de hoc anno in Glouc' tibi præcipimus quod sis coram Baronibus nostris apud Westm' &c. ducen' tecum corpus prædict' A. B. ad respondend' nobis de diversis transg' contempt' &c.

Breve de Extend' super Judic' super penal' Statut'.

Rex, &c. Vic' London' salutem Cum nos & quidam R. B. de London' gen' per Judicium Baron' de Scaccario nostro apud Westm' versus T. S. gen' Termino sancti Michaelis anno regni nostri xxviii. videlicet xxviii. die Novembris eodem Termino reddit' recuperavimus summam trium Mille librarum legalis monet' Angliæ Cumq; I. L. & C. D. nuper Vic' Civit' pd' ad usum nrum levavit decem libr' parcel' summæ 1500. l' pro medietat' nostra inde Nosq; de 1490. li. pro resid. medietat' forisfactur. prædict' nobis debet. satisfieri volen' (ut est justum) eas nobis nondum solvit nec solvi fecit prout aliquo modo constare possit Et nos volen' quod summa prædict. omni celeritate qua possit levetur vobis præcipimus quod non omitt' &c. ingred. & corpus præd. T. S. capias ac in prisona nostra donec nobis &c. (ut in al.)

Breve

Breve de Extent' super utlagar'.

Rex, &c. Vic. D. salutem volen' certis de causis quod Baron. de Scaccario nō apud Westm̄ per te certioventur quæ bon. & catalla terr. & ten. J. L. nuper de London. Clericus utlagat. &c. habuit in dicto Com. D. tempore utlagarie sue prædict. seu unquam postea hucusq; aut aliquis alius sive aliqui alii ad ejus usum huer. sive habuit Ac ad cujus vel quorum man. dicta bona & catalla postea devener. Ac in cujus vel quorum man. jam existunt Ac quis vel qui exit. & profic. terr. & ten. prædict. percepit vel habuit perceperunt & habuer. Nosq; de hujusmodi bon. & catallis terr. & tenementis rīderi volent. (ut est justum) tibi præcipimus quod non omitt. propter aliquam libertatem quin eam ingred & tam p̄ sacrañ proborum & legalium hominum de eadem Balliva tua per quos reiveritas melius sciri poterit qm̄ omnibus aliis viis mediis & modis quibus melius sciveris aut poteris diligenter Inquir. veritat. in præmissis Et ea omnia singulatim & particulatim per sacrañ præfat. proborum & legalium hominum juxta verum valorem eorundem diligenter appreciari & extendi fac. Ita quod Inquiss. ill. & extent. inde coram
re

te distincte & aperte capt. habeas coram præfat. Baron. de dicto Scaccario nostro apud Westm̄ in Crastino annimar. prox. futur. sub sigillo tuo & sigillis eorum per quos Inquisition. facta fuerit Et interim omnia bona & catalla ill. aut de precio sive valore inde ac de exit. & profic. terr. & ten. præd. nobis respondere possis ad voluntat. nostram Et constare fac. præfat. Baronibus nostris ad dictos diem & locum que & cujusmodi bon. & cattall. & cujus precii ac quas terr. & quæ tenementa & cujus annui valoris ceperis in dictas man. nostras occasione præmissorum & ubi unacum diebus caption.eorundem in easdem manus nostras ac de toto facto tuo in præmissis Et habeas ibi hoc breve Teste &c. per transcript. utl. prædict. in Scaccarium nostrum certificat. pro commodo nostro Ac per Baron.

Breve de Extend. ad inveniend. debita.

Rex &c. Vic. London. salutem Cum J. G. de G. in Com. E. gen. per scriptum suum obligat. dat. vicesimo nono die Augusti Anno regni nostri decimo sexto teneatur nobis in duabus mille sexcent. & quinquagint. libris legalis monet. Angliæ solvend. ad certum diem jam præterit.

Et

Et eas nobis nondum solvit nec solvi fecit
ut dicitur Nosq; de dictis duabus Mille
libris nobis jam debet. omni celeritate
qua poterimus satisfieri volen. ut est ju-
stum vobis præcipimus quod non omitt.
propter aliquam libertat. quin eam ingred:
Ac tam per sacramentum proborum &
legalium hominum de balliva vestra vel
aliter per sacrament. & testimonium ali-
quorum proborum & legalium hominum
de balliva vestra per quos rei veritas me-
lius sciri poterit quin omnibus aliis viis
mediis & modis quibus melius sciveritis
aut potertis diligent. inquir. quæ & cujus-
modi bona & catalla debet. credit. speci-
alitat. aut denar. summas Idem A.B. mo-
do habet in balliva tua Ea; omnia
& singula prædict' bon. & catall. debet.
credit. specialitat. & denar. summas
in quorumcunq; man. jam existunt per
sacram. præfatorum proborum & legalium
hominum diligenter appreciari & extend.
& in manus nostras capi & seifiri fac' ut
ea quousq; nobis de debet. præd. plene sa-
tisfact. fuerit habeam juxta formam sta-
tuti pro hujusmodi debitis nostris recupe-
rand' inde nuper edit. & provis. Ac vo-
bis ulterius præcipimus & potestatem da-
mus per præsentis ad quascunq; personas
in pmissis examianad. ne hoc presens Man-
dat. nostrum reman. ulterius exequend'
Et

Et qualiter hoc præceptum nostrum fuerit execut. Baronibus de Scaccario nostro apud Westm̄ vicesimo die instan. mensis Novembr. distincte & aperte constare fac. Et habeas ibi tunc hoc breve Teste M. H. Mil. apud Westm̄ decimo septimo die Novembr. anno regni nostri decimo octavo per scriptum obligat. præd. Ac per prædictum actum Parliamenti de anno tricesimo tertio Regis Henrici Octavi ac per ordinem Curia hoc Termino fact. & per Barones.

*Breve de Extend' super Obligac'
Domino Regi intrat'.*

Rex, &c. Vic' Midd. &c. Cum R. L. & L. S. per scriptum suum obligat' gerent' dat' decimo die Julii anno regni nostri septimo tenentur vobis in 2000 *li.* legalis monetæ Angliæ solvend' ad certum diem præterit'. Et eas nobis nondū solver' nec solvi fecerunt (ut dicitur) Nosque de dictis 2000 *li.* nobis jam debitis omni celeritate qua poterimus satisfieri volent' ut est justum Tibi præcipimus quod non omitt', &c. Et corpora præd' R. L. & L. S. cap' & in prisona nostra donec nobis de debit' præd' plene satisfecerunt salvo custod' Ac tam per sacramentum proborum & legalium hominum de Balliva tua vel aliter per sacramentum & testimonium ali-

aliquor. pbor. & legal. hominū de eadem
Balliva tua per quos melius scir' poterit
quam omnibus aliis viis mediis & modis
quibus melius sciveritis aut poteritis dili-
genter inquir' quas terras & quæ tene-
menta & cujus annui valoris præd' R. &
L. habuer' aut eorum alter habuit in dic-
ta Balliva tua dicto decimo die Julii dic-
to anno regni nostri septimo quo die no-
bis primo deb' inde devener' seu unquam
postea hucusque Necnon quæ & cujus-
modi bon' & catt' & cujus præcii Ac
quæ debit' credit' specialitat' & denar'
sum. iidem R. & L. modo habent aut eo-
rum alter habet in dicta Balliva tua Ea-
que omnia & singula præd' bon' & catal-
la terra & tenementa debit' credit' speci-
alitat' & denar' sum. in quorumcunque
manibus jam existunt p sacramentum præ-
st' proborum & legalium hominum dili-
genter appræciar' & extend. ac in manus
nostras cap' & seiliri fac' ut ea quousque
nobis de debito præd' plene satisfactum
fuerit habeamus juxta formam Statuti p
huiusmodi debitis nostris recuperand' in-
de nuper edit' & provis. Et tibi ulterius
præcipimus & potestatem damus p præ-
sentes ad quascunque personas in præmis-
sis examinari idon' coram te evocand.
Ac de & in eisdem præmissis diligenter
examinand' ne hoc præsens mandatum
vostrium reman. ulterius exequend. Et

E c

qua-

qualiter hoc præceptum nostrum fueris
 execut' Baron' de Scaccario nostro apud
 Westm, &c. distincte & aperte constare
 fac' Et habeas ibi hoc breve Provisio
 quod bon' & catall' ill' quæ in manus no-
 stras occasione hujus brevis nostri ceperis
 ea non vendas nec vendi fac' quousque
 aliter à nobis habueris in mandat' Te-
 ste, &c. per breve retorn' ac per p'd' Ad
 in Parliament' Anno xxxiiij. nuper Re-
 gis Henrici Octavi tent' edit' Et per Ba-
 rones.

*Breve de Extend' pro debito assign'
 ex Cancellar'.*

Rex, &c. Vic' S. salutem Cum H. O.
 de, &c. Ar' per scriptum suum obligat'
 dat', &c. nobis tenetur & indebitat' ex-
 istit in summa, &c. legalis, &c. Cumque
 præd' H. O. per quoddam scriptum obli-
 gat' suum geren' dat', &c. ultimo præte-
 rit' silt' nobis tenetur & indebitat' existit
 in simili summa trescent' libr' similis legalis
 monetæ Angliæ prout per scriptum suum
 obligat' præd' in Scaccario nostro apud
 Westm remanen' plenius apparet Cum-
 que vicesimo secundo die Octobris Anno
 regni præclarissimi sororis Elizabethæ nu-
 per Reginæ Angliæ decimo quinto R. C.
 de C. in Com. S. Mil. & F. R. C. de R. in
 Com. C. Ar. coram eadem nuper Regina
 in

in Cur' nostr' Cancellar' personaliter constitut' recognov' se debere J. C. gen' decem libr. legalis monetæ Angliæ Et pro eo quod eas eidem J. C. non solvissent ut tenebantur per separal' breviam nostram Vic' nostro Midd' nuper præcipimus qd' scire fac' præfat' F. R. C. quod esset coram nobis in Cancellar' nostra præd. ad certos separal' dies in eisdem brevibus nostris content' ubicunque tunc foret ad ostendend' si potuisset quare dict' pecun' sum' de terris & tenementis suis levari Ac A. C. nuper vid. Administrat' bonorum & catt' quæ fuer' dicti J. C. tempore mortis suæ per E. C. Ar' nuper execut' testamenti & ultim' voluntat' dicti J. C. non administrat' ac modo uxor præfat' C. levare non debet juxta vim formam & effectum recognic' præd. Et quod idem Vic' haberet ibi nomina eorum per quos ei scire fecerit & breviam præd. Cumque ad dict' separal' dies in eisdem brevibus nostris content' præfat' Vic' noster Midd. antedict', scilicet, E. B. & G. S. nobis in Cancellar' nram præd. retorn' qd' prænominat' F. R. C. nichil habuit in Balliva sua ubi vel per quod ei scire fac' pot' nec fuit invent' in eadem Posteaq; præd' F. R. C. in eadem Cancellar' nostra licet sæpius exact' non comperuit sed defalt' fecit cujus defalt' Record' per Cur' nostram Cumque ideo conf. fuit per eandem Curiam nram præd.

præd' quod præd. A. recuperet versus præfat' F. R. C. dict' decem libr. per default. Quamquidem Recognic' unacum præd. decem libr' in eadem content' iidem H. & A. per bon. & sufficien' Conveianc' suam in lege geren' dat' septimo die mensis Junii ult' præterit' in & versus solutionem & satisfactionem tanti de debito suo p præfat' H. nobis debet' deder' concesser. & assignaver' Nosque de, &c. (take the whole Extent, &c.)

Breve de Extend. super assignac' Judic' in Banco Regis.

Rex, &c. Vic' C. salutem Cum N. S. gen' unus Coll' Custum' & Subsid' nostrorum infra Port' nostram de Kingston' super Hull omnium bon' & merchandiz' tam induc't' quam inducend' nobis ad p'sens indebitat' exist' in diversis denariorum summis ratione officii sui prout per Record' Scaccarii nostrri apud Westm' plenius apparere potest Cumq; præfat' N. S. super actione in placito debiti pro decem libr. in Cur' nostra apud Westm' communiter vocat' **the King's Bench** recuperavit versus W. H. alias dict' **W. H. of London Esquire**, per Judicium ejusdem Cur' debet' decem libr. & vigin' solid. p'custag. suis prout per record' Cur' præd' Termino sancti Hillarii Anno reg-

ni

Brevia Cur' Scaccarii.

421

ni nostri, &c. plenius apparet Quod quidem Judicium unacum separal' summis sic ut præfertur recuperat. Idem N. S. per bon', &c. (cap' Extent verbatim) &c.

Brevia de Fieri facias

Fierifacias vers. Executor' de bonis propriis super Devastavit retorn'.

Rex, &c. Vic', &c. Cum A. B. p scriptum suum obligat', &c. Quiquidem A. B. diem suum clausit extremum (ut accepimus) Cumque W. H. Ar' nuper Vic' Com' præd' virtute brevis nostri sub sigillo Scaccarii nostri ad fieri faciend' præd' summam xvij. li. de bonis & catt. quæ fuer' præd. A. B. tempore mortis suæ in manibus W. B. exec' testamenti & ult' volunt' dicti A. B. remanen' administrand' Baron' de Scaccario nostro præd' apud Westm' ad quindenam Paschæ ult' pterit' certificavit quod præd' W. B. ante adventum brevis præd. diversa bon' & catt' quæ fuer' præd. A. B. tempore mortis suæ in manibus præfat' W. B. existen' administrand' ad valenc' præd' xvij. li. vendisset & penitus devastasset Ita quod debeat ill' aut aliquam inde parcell' de bonis & catallis illis nullo modo fieri facere potuisset prout per breve prædictum & retorn' superinde fact' in dictum Scaccari-

Brevia Cur' Scaccarii.

um nostrum certificat' & ibidem in custod' Rememerat' nostri remanen' plenius apparet Nosque de dictis xvij. *li.* nobis jam debit' omni celeritate qua poterimus satisfieri volen' (ut est justum) Tibi præcipimus quod non omit', &c. ingred. & præd. summam de xvij. *li.* de bon. & cattallis præfat. W. B. propriis ad usum nostrum fieri & levare fac' Ita quod denar' ill' habeas coram præfat' Baronibus nris apud Westm, &c. Cur' nostræ tunc ibidem ad usum nostrum solvend. Et habeas, &c. per breve ret' quoad devastation' præd' & per script. obl. præd. Et p Barones.

*Fieri facias versus Informatorem
pro Custag'.*

Rex, &c. Vic' Midd' salutem Præcipimus tibi quod non omitt' propter aliquam libertat' quin eam ingred. & de bon' & catt' terris & ten' J. A. in balliva tua fieri fac' summam sex librarum legalis monetæ Angliæ quæ cuidam Johanni Fell Mercat' per Cur' Scaccar' nri apud Westm adjudicat' & assignat' fuer' pro custag' oneribus & dampnis suis quæ sustinuit in quadam secta per informationem in Cur' dicti Scaccarii nostri per præfat' J. A. qui tam pro nobis quam pro seipso sequebatur versus ipsum exhibit' & profecut' pro bonis

nis ad ejus man' satisfact' devenien' Ita
quod denar' ill' cum sic levaveris habeas
coram Baronibus de Scaccario nostro apud
Westm à die Paschæ in quindecim dies
prox' futur' præfat' J. F. tunc ibidem sol-
vend. Et habeas ibi tunc hoc breve Te-
ste M. H. Mil. apud Westm tricesimo
primo die Januarii anno regni nostri xix^o.
per Rotulum Memorand' de Anno xvij.
Regis hujus Paschæ Rec' Rotulo Et
per Barones.

Fieri facias pro Rege super Judicium.

Rex, &c. Vic' S. salutem Præcipimus
tibi quod non omitt' propter aliquam li-
bertat' quin eam ingred' & de bonis &
catallis terris & tenementis J. Y. in balli-
va tua fieri fac' illas Centum libras legalis
monetæ Angliæ quas nos versus ipsum per
Judicium Baron' de Scaccario nostro apud
Westm nuper reddit' recuperavimus Ita
quod denar' ill' cum sic levaveris habeas
coram præfat' Baronibus de Scaccario no-
stro apud Westm in Crastino animarum
prox' futur' nobis tunc ibidem solvend'
Et si forte bon' & catal' terræ & trnemen-
ta præfat' J. Y. non sufficient ad solutio-
nem summæ prædictæ tunc non omittas
propter aliquam libertatem quin eam in-
gred' & capias præfat' J. Y. ubicunque
eum inveniris in balliva tua & eum salvo

& secure custod. Ita quod habeas corpus ejus coram præfat' Baronibus nostris ad dictos diem & locum ad satisfacien' nobis de summa prædicta Et habeas ibi tunc hoc breve Teste M. H. Mil. apud Westm̄ quarto die Julii anno regni nostri decimo octavo per Rotulum Memorand' de anno decimo septimo incipien' Regis hujus Hillar' Record. Rotulo Et per Barones.

Breve de Fieri facias & cap' super Judic'.

Rex, &c. Vic' G. salutem Præcipimus tibi quod non omittas, &c. Et de bonis & catallis terris & tenementis T. S. de C. in Com. præd. fieri fac' illas xx *li.* legalis monetæ Angliæ quas nos ac quidam T. M. per Judic. Baron. de Scaccario nostro versus ipsum nuper reddit' recuperavimus Ita quod denar' ill' cum sic levaveris habeas coram præfat' Baronibus de Scaccario nostro apud Westm̄, &c. unam medietat' inde Curie nostræ ad usum nostrum tunc ibidem liberand. & alter' medietat' præfat' T. M. sive ejus in hac parte Attorn' tunc ibidem solvend. Et si forte bona & catalla terræ & tenementa ipsius F. S. in balliva tua non sufficiant ad satisfactionem debiti pd' tunc non omitt', &c. & capias præd. T. ubicunque, &c. Ita quod

quod habeas corpus ejus coram præfatis Baronibus nostris ad dict. quinden. Paschæ ad satisfaciend' nobis & præfat' T. M. de debito prædicto Et habeas, &c. Teste, &c. per Rotulum Memorand', &c. Et per Barones.

Fieri facias de bonis Testatoris super Diem clausit extremum.

Rex, &c. Vic', &c. Cum A. B. per scriptum suum, &c. (recite le brief usque le charge) Tibi præcipimus quod, &c. ingred' & de bonis & catallis quæ fuerunt A. S. tempore mortis suæ in balliva tua in man' T. D. Executor' testamenti sive ultimæ voluntatis dicti A. S. reman' administrand' fieri fac' præd' summam centum libr. Ita quod denar' ill. cum sic levaveris habeas coram Baron' de Scaccario nostro apud Westm', &c. Curia nostræ tunc ibidem ad usum nostrum solvend. Et habeas, &c.

Fieri facias super debitum invent' per Inquis. cum Proviso.

Rex, &c. Vic' E. salutem Quia R. W. per scriptum suum obligatorium geren' dat', &c. ten' nobis in D. li. legalis monetæ Angliæ, &c. solvend' ad certum diem jam præterit' Et quia per quandam inquisi.

inquisitionem indentat' capt' apud Gui-
hald' Civit' London xxvij^o die Aprilis an-
no regni nostri, &c. coram W. C. & S. H.
Vic' Civitatis præd. virtute brevis nostri
de Extend' eis nuper direct' per sacramen-
tum N. H. & al. proborum & legalium
hominum Civitatis præd' compert' existit
Quod quidam T. B. de M. jun' Ar. per
scriptum suum obligat' geren' dat', &c.
tenetur præfat' R. W. in decem libr' le-
galis monetæ Angliæ cum condicione &
solutione viginti libr. ad certum diem jam
præterit' Nosque de præd' decem libr.
omni cum celeritate qua poterimus satisfi-
feri volen' ut est justum Tibi præcipi-
mus quod non omitt' propter aliquam
libertatem quin eam ingred' & de bonis
& catallis terris & tenementis præfat' T.
B. in Balliva tua fieri & levare fac' præd.
decem libr. legalis monetæ Angliæ Ita
quod denar' ill' habeas coram Baron' de
Scaccario nostro apud Westm, &c. tunc
ibidem ad usum nostrum solvend' indilate
Et habeas ibi tunc hoc breve Proviso sem-
per quod si prædict. T. B. aliquam ac-
quietanciam vel al' sufficien' exoneratio-
nem soluc' summæ præd. aut alicujus in-
de parcell' testifican' tunc execution. hu-
jus brevis nostri quoad denar. sum' in ea-
dem acquietanc' sive exoneracione con-
tent', &c. ut in al.

Breve de Habend. Corp. Prisonar' in Banco Regis ad testificand' coram Commissionar'.

Rex, &c. Marischallo Marischal. Cur. nostræ coram nobis existen. sive ejus locum tenen. ibidem salutem vobis præcipimus quod corpus E. F. in prisona nostra sub custod. vestra ut dicitur detent. quocunque nomine sive additione nominis idem E. F. censeatur habeatis coram dilectis & fidelibus nostris R. T. Baronett. &c. aut duobus sive plur. eorum apud Vill. B. in Com. nostro B. die Martis tricesimo primo die instant. mensis Januarii ad informand. eisdem Commissionar. nostros de certis Articulis nos ad commodum nostrum tangen. præfat. E. F. tunc ibidem ex parte nostra exponend. Teste, &c. per Baron.

Habeas Corpus Prisonæ de le Fleet.

Rex, &c. Guardiano nostro prisonæ de le Fleet salutem. Cum A. B. de London' gen. per scriptum suum obligat. &c. Nosque de dictis centum libris, &c. ut est justum Et quia dat' est nobis intelligi qd' præfat' A. B. in prisona nostra sub custodia tua detentus existit Tibi igitur præcipimus quod corpus præd' A. B. quocunque nomine

nomine

nomine five additione idem A. censeatur unacum causa & die captionis & detentionis ejusdem A. B. in prisona præd. habeatis coram Baronibus de Scaccario nostro apud Westm̄, &c. ad satisfaciend. nobis de prædictis centum libris sic ut præfertur nobis debet' Et ad ulterius fac' & rec' quod Curia nostra tunc ibidem duxerit ordinand. Et habeas &c. per script' obligat' præd. & per Barones.

Habeas Corpus ad manutenend. informationem.

Rex, &c. Vic. London. salutem Præcipimus vobis quod corpus A. B. gen' in prisona nostra sub custodia vestra ut dicitur detent' quocunque nomine five additione nominis idem A. censeatur unacum causa & die captionis & detentionis ejusdem A. B. in prisona præd. habeatis coram, &c. ad manutenend' & prosequend. quandam Informac' per ipsum coram præfat' Baronibus nostris nuper exhibit' & ibidem determinat' penden' & ad ulterius fac', &c. (ut supra)

Habeas Corpus ad respondend. Bill. Anglican.

Rex, &c. Vic', &c. Præcipimus tibi quod corpus R. F. &c. ad respondend. nobis

bis de certis Articulis ei tunc ibidem ex parte nostra objiciend' super quandam billam Anglican' coram Thesaurar' Canc' & Baronibus de Scaccario nostro apud Westm' versus ipsum R. F. & C. D. nuper exhibit' & ad ulterius faciend', &c. (ut supra)

*Habeas Corpus ad satisfaciend' Debit.
Regis Marescal. B. R. directi'.*

Rex, &c. Marescal. Curie nostræ coram nobis existen. sive ejus locum ibidem tenen. salutem Cum inter ea quæ Regiam Dignitatem nostram exornant illa consuetudo antiqua nostris & prædecessorum nrorum temporibus retroact' usitat' ita nos prærogat qd' à quibuscunque debitoribus nostris sunt debit' nostra levand' & de bonis eorum solvend' priusquam eorum Creditor' satisfaciant Cumque P. G. nuper Receptor noster general' reventionum nostrarum in Com. L. nobis indebit' existit in Centum libris legalis monetæ Angliæ de Exit' Officii sui præd. nobis aretro existen' & insolut' prout per Record' Scaccarii plenius liquet & apparet Nosque de eisdem centum libris sine aliqua dilatione satisfieri volen' (ut est justum) juxta prærogativam nostram præd' vobis præcipimus quod corpus præd. P. G. in prisona nostra sub custodia vestra (ut dicitur) detent'

tent. quocunque nomine siue additione nominis idem P. G. censeatur unacum causa & die captionis & detentionis ejusdem in prifona præd' habeatis coram Baronibus de Scaccario nostro apud Westm, &c. ad satisfaciend' nobis de præd. Centum libris quas nobis debet & injuste detinet Et ulterius faciend' & recipiend' in præmissis quod Cur' nostra tunc ibidem duxit' ordinand. Et habeas ibi tunc hoc breve, &c. per Stat' computan. quoad debit' præd' & per rubeum librum de dicto Scaccario nostro quoad prærogativam & per Barones.

Habeas Corpus super breve de Attach.

Rex; &c. Midd. salutem Præcipimus tibi qd' corpus R.B. in prifona nra sub custodia tua (ut dicitur) detent' quocunque nomine siue additione nominis idem R. B. censeatur unacum causa & die captionis & detentionis ejusdem R. B. in prifona præd' habeas coram Baronibus, &c. ad respondend' nobis de certis Articulis ei tunc ibidem ex parte nostra objiciend' Et ulterius faciend' & objiciend' quod Cur' nostra de eo conf. in hac parte Et habeas, &c. per Bill. Anglic. per Barones.

Breve

*Breve de Injunçãoe ad Superfed.
Vastum.*

Rex, &c. P. W. ac omnibus & singulis
Subtenen' Servien' & Assign' suis & ve-
strum cuilibet salutem Quibusdam certis
de causis Baronibus de Scaccario nostro ad
præsens moven. vobis & cuilibet vestrum
præcipimus & firmiter injungen. manda-
mus quod de cætero post reception' hujus
brevis nostri vel notic' inde per vos aut
aliquem vestrum habit' non faciatis seu
fieri causatis nec aliquis vestrum aut ali-
quis alius five aliqui alii nomine procura-
tione vel consensu vestrum aut vestrum a-
licujus faciat seu habere causat aliquas de-
vastac' spoliationes vel destructiones ali-
quorum domorum ædificiorum vel struc-
turarum in & super quodam campo vocat'
It. field in Comitatu nostro Midd' ædi-
ficat' nec putrefaciatis vel occludatis ali-
quos fontes aut aquæductus in campo præd'
existen' sed ab omni tali spoliatione vel
destructione domorum ædificiorum vel
structurarum præd' & à putrefaciend' vel
occludend' fontes vel aquæductus præd'
& ab omni vasto quocunque in campo
præd' faciend' desistatis & quilibet ve-
strum desistat omnino quousque per Cur'
Scaccarii nostri præd' aliter ordinat' fuerit
Et hoc nullatenus, &c.

In-

Injunctio.

Rex, &c. J. H. Vid' ac omnibus ac singulis Consiliar' Attorn' Solicitor' & Factoribus tuis & vestrum cuilibet salutem quibusdam certis de causis Baronibus de Scaccario nostro apud Westm' ad presens moven' vobis & cuilibet vestrum precipimus & firmiter injungend' mandamus Quod de cætero post receptionem hujus brevis nostri vel notic' inde per vos seu aliquem vestrum habit' non prosequamini nec aliquis vestrum prosequatur aliquam actionem billam sive querelam versus W. C. in Curia nostra coram Justiciariis nostris ad placita coram vobis tenend' sive in aliqua alia Curia nostra quacunque nuper incept' mot' seu habit' sive imposterum incipiend' movend' seu habend' sed quod prosecution' inde in omnibus supersedeatis & quilibet vestrum supersedeat omnino quousque tu præfat' J. H. perfectam respons. tuam feceris ad quandam Bill' Anglican' per præfat' W. C. coram Thesaur' Cancellar' Subthesaurar' & Baron' de Scaccario nostro apud Westm' nuper exhibit' & alias per Cur' dicti Scaccarii nostri ordinat' fuerit Et hoc nullatenus omitt' nec aliquis vestrum omitat sub pœna cujuslibet vestrum centum libr. quas de bonis & catallis terris & tenementis vestris

stris si hoc præsens mandat' nostrum neglexeritis ad opus nostrum levare faciamus Præmonic' ill' vestrum ad cujus man' hoc breve nostrum primo devenerit cæteris in eodem brevi nominat' seu mentionat liberet seu notie' faciat indilate Et hoc Subpœna p̄d. Teste M. H. Mil' apud Westm̄ vicesimo sexto die Januarii anno regni nostri decimo octavo per ordinem Cur' hoc Terminò fact' & per Barones.

Breve de Injunçãoe ad quietand. possession' & ad restituend. C. B. & al. tenere & habere eandem.

Rex, &c. M. T. S. R. &c. ac vestrum cuilibet ac omnibus & singulis tenentibus firmariis & assignatis vestris præfat' M. S. &c. & vestrum cujuslibet necnon omnibus al' claman' sub nomine titulo jure sive interesse vestrum præfat' M. S. &c. ac vestrum cujuslibet salutem Quibusdam certis de causis Baron' de Scaccario nostro apud Westm̄ ad præsens moven' vobis præcipimus & firmiter injungend' Mandamus & immediate post receptionem hujus brevis nostri vel notie' inde per vos seu aliquem vestrum habit' vos ac omnia vestra quæcunque à possessione unius Mesuagii unius horrei, &c. (ut in Inquisition) omnia quæ quidem Mesuag. terre & tenementa cum pertin' sunt

F f

scituat.

scituat' jacen' & existen' in separal' paroch' de E. & L. vel eorum altera ac modo sunt vel nuper fuerunt' in tenura five occupatione prafat' M. T. vel Assign' suorum ac unius Cottagii, &c. modo vel nuper in tenura A. B. vel, &c. & cuiuslibet inde parcel' amoveatis & amoveri fac' & quilibet vestrum se amoveat & amoveri fac' indilate ac de aut cum præmissis aut aliqua inde parcell' nullatenus vos ipsos intromittatis nec aliquis vestrum se intromittat sed quod permittatis & quilibet vestrum permittat H. D. & C. B. gen. Firmar' nostros præmissorum præd. & eorum Assign. præmissa præd. & quamlibet inde parcell' quiete & pacifice habere tenere uti occupare & gaudere absque molestatione, perturbatione, interruptione five inquietatione vestrum aut vestrum alicujus aut aliquorum aliorum nomine mandat. procuracione five consensu vestrum aut vestrum alicujus Et hoc nullatenus omitt. &c. Subpœna D. librarum quas, &c. Teste, &c.

Injunctio de Privileg.

Rex, &c. Justiciar' de Comuni Banco apud Westm' salutem Cum ex consuetudine antiqua omnibus temporibus retroact' usitat. hætenus obtent. fuerit Quod Scaccario publice apud Westm' residentes
Et

Et computis & negotiis publicis Magistri intendentes Eorumque Clerici & Servientes non trahentur alibi in placitum quamdiu idem Scaccarium fuerit apertum Jamque dat' est nobis intelligi ex parte A. S. Ar. un. Camerar. Scaccarii publici præd. Quod quædam S. S. Executrix W. H. nuper defunct. ipsum A. cujus continua attendenc. circa negotia publica in Scaccario præd. requiritur per nomen A. S. nuper de Westm in Com' Midd. Ar. coram vobis trahit in placitum de placito debiti CC li. Quas præfat' S. ab eodem A. exigit Nos privileg. dicti Scaccarii illa observari volen. vobis Mandamus quod præd. placitum (aperto Scaccatio præd.) coram vobis non teneatis set in placito illo ulterius versus præfat. A. procedend. super sed. omnino præmunien. præfat. S. quod versus dict' Scaccarium prosequatur si sibi viderit expedire. T. J. W. apud Westm Per Rubrum librum in Scaccario præd. remanen. & per Barones. Ayloff.

*Breve ad Inquirend. de jure hereditario
Discenden.*

Rex &c. Vic' Cant. salutem Quia J. L. per scriptum suum obligator' &c. Cumq; per quandam Inquisitionem Indentat. capt. apud S. in Com' præd. sep-

timo die Maii ult. præterit. coram S. M. Vic' Com. præd' virtute brevis nostri de extend' sub sigillo Scaccarii nostri versus præfat. J. L. pro debito præd. ei direct. compertum existit per sacram. G. W. & al. proborum & legalium hominum Com. præd. Quod quidam L. O. modo defunct. dum vixit per nomen L. O. de C. in Com. S. per quoddam scriptum suum obligat. sigillis suis sigillat. geren. dat. &c. conjunctim & divisim devener. obligat. præfat. J. L. in 600. li. legalis monet. Angl. solvend. ad certum diem jam præterit. Quod quidem scriptum obligat. præfat. Vic. dicto die captionis Inquisitionis præd. virtute brevis præd. in manus nostras seisciri fecerit prout per dictum breve & Inquisition. præd. in Scaccarium nostrum certificat. & ibidem in Custod. Rememoratoris nostri remanen. plenius apparet Cumq; nos de p'd. 600. li. omni celeritate qua poterimus satisfieri volen. (ut est justum) tibi per breve nostrum sub sigillo Scaccarii geren. dat. decimo die M. ult. præterit. Mandaverimus &c. ingred. & per probos & legales homines de balliva tua &c. (recitant le scire fac. usque) per quos eis scire feceris & breve præd. Ad quem diem tu retornasti breve prædict. & superinde Mand' quod virtute brevis prædict. tibi direct. quod per &c. (recit le retorn.) sicut in brevi præd. & retorn. ejusdem

eiusdem quod est in ligula brevium execut. pro nobis de hoc Termino ex parte Rememoratoris nostri in Cant. plenius apparere potest. Et nos de debito præd. responderi volen. (ut est iustum). Tibi præcipimus quod non omitt. &c. ingred. Et tam per sacram. proborum & legalium hominum de Balliva tua quam omnibus aliis viis mediis & modis &c. diligenter Inquir. quibus die & anno. ac ubi prædict. L. O. obiit ac quas terr. & quæ tenementa & cujus annui valor. prædict. L. O. habuit in dicta balliva tua dicto die quo obiit quæ discendebant dicto H. ut hæred. ejus sive lure hæred'. Ac quæ idem H. O. aut aliquis al. ad ejus usum eodem jure modo habet. Ea; omnia & singula prædict. terr. & ten. in quorumcunq; manibus jam existunt per sacrament. præfat. proborum & legalium hominum diligenter appreciar. & extendi ac in manus nostras seiri' fac. ut ea quousq; nobis de debito prædict. plene satisfact' fuit habeamus juxta formam Statuti pro hujusmodi debitis nostris recuperand. inde nuper edit. & provis. Ac tibi ulterius præcipimus & potestatem damus per præsentés ad quascunq; person. in præmissis examinari idone' coram te evocand. ac de & in præmissis examinand. ne hoc præsens mandat. nostrum reman. ulterius exequend. Et qualiter hoc præceptum nostrum fueris execut. &c. Teste &c.

Breve de levari fac. ratione ult.

Rex, &c. Vic. Cant. salutem Cum R. S. mil. nuper Vic. Com. prædict. virtute brevis nostri de Cap. utlagat. ei direct. extra Cur. nostram de Communi Banco apud Westm. versus J. A. de C. in Com. tuo Clericum utlagat. xxi. die Maii anno regni nostri quintodecimo ad festam J. J. Ar un. &c. cepit' & seiverit in manus nostras xxiii. die Maii anno regni nostri xx. unum Messuagium cum pertin. scituat. jacen. & existen. infra parochiā sanctæ Trinitat. infra Canteb' præd. modo vel nuper &c. de terr. & ten. dicti J. A. prout per transcript. utlagat præd. in Scaccarium nostrum certificat. & ibidem in Custod. Rememoratoris nostri existen. plenius apparet Nosq; de reddit. Exit. & profic. premissorum præd. responderi & satisfieri volen. ut est justum Tibi præcipimus quod non omitt. propter aliquam libertat. quin eam ingred. ac omnes & singulos reddit. & profic. de præmissis præd. provenien' a dicto die captionis eorundem in eadem man. nostras usq; festum sancti Michaelis Arch. prox. futur. p rata temporis juxta rat. & annual. val. antedict. fieri colligi & levari fac. Ita quod denar ill. cum sic levaveris habeas coram Baronibus de Scaccario nostro apud Westm

in

in Crastino Animarum prox. futur' Cur' nostræ tunc ibidem ad usum nostrum solvend. Et habeas ibi tunc hoc breve Teste M. H. Mil. apud Westm' xxx. die Janil Anno regni nostri xxi. p Transcript. præd' Et per Barones.

Levari fac. sur extent super obl'.

Rex, &c. Vic. N. salutem Cum G. de T. in Com. N. Añ per scriptum suum obligat. geren. dat. vicesimo quarto die Septembris anno regni nostri decimo sexto tenetur nobis in 1850. li. legalis monet. Angliæ solvend. ad certum diem præterit. Cumque J. K. de T. in Com. prædicto Armig. per scriptum suum obligat. dat. die & anno præd. tenetur nobis in 1850. li. similis monet. Angliæ solvend. ad certum diem præterit. Et eas nobis nondum solver' nec solvi fecerunt ut dicitur Cumque E. B. Bar. nuper Vic' Com' prædict' virtute brevis nostri de extend' sub sigillo hujus Scaccarii versus præfat' T. G. & J. K. sibi direct' xix. die Octobris anno regni nostri xx. ceperit & seisciri fecerit in man' nostras un' Mesuagium &c. de terris & ten' dicti Johannis K. Armig' ac Manerium de C. &c. de terr' & ten' dicti T. G. prout per breve præd. &c.

Breve de levar' Camer' Cestr. direct'.

Rex, &c. Camerañ nostro Com̃ Palatin' nostri Cestr' sive ejus locum ibidem tenen' salutem Cum L. A. Mil' nuper Vic' Com̃ præd' (ut supra) ad sectam &c. & mandat' vñum superinde p al' breve nostrum sub magno sigillo Com̃ Palatin' prædict. eidem Vic' direct' xii. die Novembris (ut supra) ut est justum vobis præcipimus qd' per breve nostrum sub sigillo Com̃ Palatin' præd' detis in mandat. Vic' nostro ejusd. Com̃ quod non omitt' propter aliquam libertat. quin eum ingred. & omnes & singulos redit' &c. Ita quod denar' ill. cum sic levaverit habeatis coram Baron' &c. Cur' nostræ tunc ibidem ad usum nostrum solvend' Et quod idem Vic' nobis certificet circa dict' Octab' sanct' Trinitat' qualr mandatum vestrum fuerit execut' Ita quod vos certificationem ill' habeatis coram præfatis Baronibus de Scaccario nro apud Westm̃ ad dictos diem & locum unacum nomine ejusdem Vic' & hoc brevi Teste &c. per transcript. Utlagar' præd' & per Barones.

Levar' Thes. & Baron' Dublin. direct'.

Rex &c. Thes. & Baron' de Scaccario nro Dublin' salutem Cum quidam finis 2col.
per

per consideration' Cur' nostræ coram nob'
& Consilio nostro in Camera Stellat. Ter-
mino Paschæ anno regni nostri xx. super
A. S. Mil' super quibusdam transgr' & cō-
tempt' per ipsum antehac perpetrat' unde
in eadem Cur' impetit' fuit & convict' as-
sessus fuit Cujus tenor in Cancellariam
nostram certis de causis veni' & in Scac-
cariū nostrum apud Westm' Mitti fecimus
ad faciend' quod ad justiciam pertiñ Prout
per Record' inde in eodem Scaccario nostro
apud Westm' ex parte Rememor' nostri
eiusdem Scaccarii residen' liquet & appa-
ret Et quia prædict' A. S. in Angl' non
habet bona & catall' ter' vel ten' unde præd'
200l. fieri poterint sed dat' est nobis in-
telligi quod ipse in regno nostro Hiberniæ
divers. bon. & catall. ter' & ten' habet un-
de præd' 200. li. fieri poterint Ac nos de
præd' 200. li. satisfieri volen' (ut est insti-
tum) Ideo vobis mandamus quod de bon'
& catall. ter' & tenementis præd' in reg-
no nostro Hiberniæ fieri & levare faciatis
ad usum nostrum præd' 200. li. Ita quod
denar' ill' respond' ad Scaccariū nostrum
apud Westm' quam citius poteritis &
tandem &c. & quid inde feceritis certifi-
catis Thes. & Baron' de eodem Scacca-
rio apud Westm' sub sigillo Scaccarii nri
Dublin' ad eundem diem Et hoc sicut
commodum nrm & expedit' negotiorum
diligitis & ne dampnum quod ex dila-
tione

tionem in hac parte per vos fiend' vobis
possit imputari per quod ad vos cape de-
beamus nullatenus omitt' remittentes ibi
hoc brevi Teste R. Dom' S. Thef.
Angl' per Rotul' Memorand' &c. & per
Barones.

*Breve de Privileg' pro testibus coram
Commissionar'.*

Rex, &c. Majori Aldermannis & Vic'
London' & Midd' & vestrum cuilibet sa-
lutem Cum secundum consuetud' regni
nostri Angliæ tempore nostro & temporibus
progenitorum nostrorum hætenus rite
usitat. ita usum fuerit quod quicunq; ve-
nientes ad quascunq; Cur' nostras pro ali-
quibus negotiis in hujusmodi Cur' prose-
quend' aut defendend' libere possunt ad
Cur' ill' accedere & hujusmodi negotiis
suis expletis ad propria libere redire sine
impedimento aliquo Cumq; nos per literas
nostras Patentes sub sigillo Officii nostri
nuper Assignaverimus dilectos nobis A.
B. & C. D. ad exequend. quendam ordin'
fact' per Cur' Scaccarii nostri apud Westm'
27. die Maii ult' præterit' in quadam sect'
per Bill' Anglic' inter &c. Cumq; per bre'
nostrum sub sigillo Scaccarii nostri præd.
præceperimus A. B. quod esset in propria
persona sua coram præfat' Commissionariis
nostris ad hujusmodi diem & locum sive
dies

dies & loca quos vel quæ iidem Com-
missionar' nostri ad hoc providerint ad
testificand' & informand' eisdem Com-
missionar' nostros de certis Articulis ei
tunc ibidem ex parte præfat' Quer' ex-
ponend' Nosq; indemnitati nostræ ac
præfat' testis nostri pspicere & consuetud'
prædict' debito modo servare illesam Vo-
lentes (ut est iustum) Vobis & cuilibet
vestrum præcipimus quod præd' A. B.
dictis negotiis suis ad testificand' coram
præfat. Commissionar' nostris expletis ad
propria redire permittatis absq; impedi-
mento vestro aut alicujus vestrum aliqualit'
Ac si ipsum A. ad sect' alicujus sive ali-
quorum impofterum arrestaveritis sive ali-
quis unum arrestaverit antequam ad pro-
pria sua redire contigerit per quod idem
A. negotio præd' finito indilate ad pro-
pria liber redire non poterit juxta con-
suetudinem præd' tunc arrestum prædict.
per vos impofterum in ea parte fiend' re-
laxatis indilate & cuilibet placito super-
inde si quod coram vobis aut aliquo vrm
ad sect' alicujus vel aliquorum fuit psecut'
quocunq; nomine sive additione nominis
idem A. in arrest' sive placito illo censeatur
Superfedeatis omnino sine dilatione Præ-
munien' ill' vel ill' qui versus præd' A.
coram vobis aut aliquo vrm fuerit pro-
secut' quod penes dictum Scaccarium no-
strum versuseundem A. Termino Paschæ
prox'

prox' futur' prosequantur si sibi viderit expediri Teste &c. per ordin' Cur'.

Breve de Procedend' post habeas corpus.

Rex, &c. Majori Aldermannis & Vic' Civitatis London' & vestrum cuilibet salutem Licet nuper per breve nostrum sub sigillo Scaccarii nostri vobis præcepimus quod corpus W. A. in prisona nostra sub Custod' vestra &c. (reciting the Writ) prout in eodem brevi inter al' plenius continetur Quibusdam tamen certis de causis præfat' Baron' nostros ad præsens moven. vobis & cuilibet vrum mandamus qd' versus præfat. W. A. in causa quacunque coram vobis seu aliquo vestrum penden' per R. B. de &c. incept' juxta consuetud' Civitatis præd' cum effect' procedatis Dicto priori brevi nostro in aliquo non obstant' Teste &c. per Barones.

Procedendo in London'.

Rex, &c. Vic' &c. Licet per breve nrm sub sigillo Scaccarii nostri vobis præcepimus quod corpus A. B. in prisona nostra sub custod' vestra præfat' Vic' ut dicebatur detent. quocunque nomine sive additione nominis idem A. B. censeatur haberetis coram Baronibus &c. unacum die & causa captionis ejusdem A. B. in prisona præd' prout

prout in brevi præd. inter al. plenius continetur Quibusdam tamen certis de causis præfat. Baron. nros ad præsens moven. vobis præcipimus quod in omnibus & singulis placitis & querelis in Cur. nostra coram vobis versus præfat. A. B. exhibit. five penden' secund' legem & consuetud. regni nostri Angl. & Civitatis præd. procedatis cum effect. Dicto priori brevi nostro in aliquo non obstante Telle &c. per Baron.

Procedendo Mareſhall' Hospicii.

Rex, &c. Seneschallo & Marischallo Hospicii nostri five eorum locum tenentibus ibidem salutem Licet per breve nostrum sub sigillo Scaccarii nostri vobis prohibuerimus ne aliquod placit. inter J. D. & D. C. servien. dilecti nobis P. D. ingrossator. Campor' dicti Scaccarii nostri teneritis contra dignitat. nostram & consuetud. antiquitus usitat. Quibusdam tamen certis de causis nos ad præsens moven. vobis præcipimus quod in placito prædicto juxta legem & consuetud. regni nostri Angliæ procedatis mandat. nostro præd. vobis in contrar. direct. non obstan.

(Si in London.) juxta legem & consuetud. Civitatis prædict. (ut supra.)

Brevia

Brevia de Proclamatione.

Rex, &c. Vic. L. salutem præcipimus tibi quod non omitt. propter aliquam libertat. quin eam ingred & in singulis locis in balliva tua ubi melius expediri videris publice proclamari fac. quod A. B. & C. D. subpœna ligeanc. suarum nobis per ipsos debet. personalit. compareant coram Baron. de Scaccario nostro apud Westm. in Crastino Animarum Et interim non omitt. propter aliquam libertat. quin eam ingred. & attach. præd. A. & C. per corpora sua ubicunq; eos inveniris in balliva tua & eos salvo & secur. custod. Ita qd. eos habeas coram præfat. Baronibus nostris ad dictos diem & locum ad respondend. nobis de diversis transgr. contempt. & offenc. per ipsos nuper fact. & perpetrat. Et habeas &c. per breve & retorn. & per Barones.

Breve de Prohibition' Cur' Ecclesiastice.

Rex &c. Reverendo & egregio viro Timotheo Baldwin Mil' legum Doctori Cancellario Reverendi in Christo patris Providentia Divina Wigorn' Episcopi aut ejus Officiali Commissarioq; general' aliove Judici in hac parte competenti & eorum cuilibet salutem Cum dat. est Baronibus

de

de Scaccario nostro apud Westm. intelligi
& informari Quod cum &c. Nos Jura
dictæ Coronæ nostræ ac legem & cons.
præd. prout vinculo juramenti astringi-
mur manutenere volentes &c. vobis pro-
hibimus ne placitum præd. pro decimis
præd. coram vobis versus præd. E. N. su-
per causam prædict. occasione præmissio-
rum quibuscunq; nominibus partes præd.
coram vobis proponuntur quovismodo te-
neatis nec quicquam inde attemptetis qd'
in ejus præjudicium aut nostri seu legis
aut cons. regni nostri Angl' derogationem
seu contemptū cedere valeat quoquomodo
sub violatorum legis nostræ penam pericu-
lo incurrendi Et sententiam si quam ver-
sus ipsum E. N. ea occasione fulminaveritis
seu aliquis vestrum fulminaverit ei relax-
antes & ipsum absolventes penitus de eisd.
Teste &c. per Ordin' Cur'.

*Breve de Prohibition' pro decimis parti
direct'.*

Rex, &c. J. B. Clerico Netnon omni-
bus Attorn. Sollicitator. Factoribus Procu-
ratoribus Advocatis & al. Adjutoribus
tuis quibuscunq; & vestrum cuilibet salu-
tem vobis & cuilibet vestrum Prohibimus
& firmiter per presentes injungend. Man-
damus quod de cetero non procedatis nec
aliquis vestrum procedat in aliquo libell.
actione

actione querel. citatione sententia five alia materia quacunq; quas vos seu aliquis vestrum modo habent five habet in aliqua materia five causa quacunq; in Cur. Christianitatis coram Reverendo in Christo patris & Domino Dom. J. permissione divina Episcopo Sarum ejusve Vicario in Spiritualibus general. five Commissario aut alio quocunq; Judice in hac parte competent. five alibi in aliqua Curia Ecclesiastica coram aliquo Judice Ecclesiastico infra hoc regnum Angl. versus quendam R. C. de aut pro subtractione decimarum grani fœni & al. provenien. crescen. & contingen. in & super quoddam Mesuagium Centum acr. terre Centum acr. prati & quinquaginta acr. pasture eidem spectan. vel pertinen. infra Rectoriâ de M. in Com. W. cognit. per nomen de K. Farme alias **the great Farm** infra parochiam Villam five Hamlett' de K. D. in Com. p'dict' per ipsum debet. five debend. quousque aliter per Cur. Scaccarii nostri Ordinât. five decret. fuerit Et hoc nullatenus omittat. Subpœna cujuslibet vestrum C. l. quas de bonis & catall. terr. & ten. vestris si hoc præsens mandatum nostrum neglexer. ad opus nostrum levâri faciemus premonien. ill. vestrum ad cujus man. hoc breve nostrum prius devenerit ceteris in eodem brevi mentionat. liberet seu notic. faciat indilate Et hoc Subpœna præd. Teste M. Hale

Hale Mil. apud Westm, xxviii. die Novembr. Anno regni nostri decimo quinto per ordin. Cur. eodem die fact. & per Barones.

Scire facias super Judicium obtent. person' attinct' alt. prodicionis.

Rex, &c. Vic. N. salutem Cuth per quendam Act. Parliamenti intitulat. **an Act for the Attainder** &c. in Parlamento inchoat. & tent. &c. prout per Act. præd. int. al. plenius liquet & apparet Cumque præfat. M. L. Bar. Termino sancti Michaelis Anno Dom. 1655. in Cur. coram Custod. libertat. Angliæ auctoritate Parliamenti in superiori Banco apud Westm. per bill. sine brevi & per Judic. ejusdem Cur. recuperavit versus quendam J. P. Arm. alias dict. &c. Summam 400. l. de debito necnon xxi. s. pro dampnis suis que sustinuit tam occasione detentionis debiti illius qm. pro misis & custag. suis per ipsum circa sectam suam in hac parte apposit. præfat. M. p præd. Cur. ex assensu suo adjudicat. prout per Record. prædict. in Cur. nostra coram nobis apud Westm. remanen' plenius liquet & apparet Cujusquidem Record. tenor postea in Cur. nostram Cancellar' certificat. fuit & abinde in Scaccarium nostrum mis. & ibidem in Custod. Rememoratoris nostri remanet

G g

prout

prout per Record. præd' plenius apparet
 Nosq; de dictis 400. li. & xxi. s. nobis
 jam debit. omni celeritate qua poterimus
 satisfieri volen (ut est justum) Tibi præ-
 cipimus quod non omitt. propter aliquam
 libertat' quin eam ingred. & per probos
 & legales homines de balliva tua scire fac.
 præd' J. P. quod sit coram Baronibus de
 Scaccario nostro apud Westm' In Crasti-
 no Animarum prox' ostend. & proponend.
 si quid pro se habeat vel dicere sciat.
 quare Nos execut' versus ipsum de debito
 & dampnis prædict' habere non debemus
 Et habeas ibi tunc nomina eorum &c. p
 tenor' Record. præd' & per Baron'.
 Ayleffe.

Sire facias ad audiend Errores.

Rex, &c. Vic' London. salutem præci-
 pimus vobis quod non omitt' &c. ingred.
 & per probos & legales homines de balli-
 va vestra scire fac' Thomæ L. quod in
 propria persona sua sit coram prædilecto
 & fidel' Consiliar. nostro T. Domini E.
 Dn'o Canc.' nostro Angl' ac prædilecto &
 fidel' Consiliar' & Consanguineo nostro
 Thoma Com' S. Theff. nostro Angl' apud
 Westm' in Camera juxta Scaccarium nunc
 die Martis xi. die instan. Mensis Junii ad
 audiend' Record' & process. inter ipsum
 T. L. qui tam pro nobis qm pro seipso
 sequ-

sequebatur ac quendam J. H. coram Baroⁿ
de Scaccario nostro apud Westm^{onasterium} pradi^{ct}
nuper habit. penden^t Necnon Errores
qui ex parte pradi^{ct} J. H. in præmissis alle-
gari contigerint Et ad ulterius fac. & rec.
in præmissis quod præfat. Cancellar^{ius} &
Sub-Thess. tunc ibidem duxerint ordi-
nand^{um} Et habeatis ibi tunc nomina eorum
per quos ei scir. feceritis & hoc breve
Teste T. Domino E. Canc. Angl^{ie} & T.
Com^{itis} Suff. Thess. Angliæ apud Westm^{onasterium}
&c. per ipsos Canc^{ellarium} & Thess.

*Scire fac' super Judicium obtent^{um} per
felon^{em} dese.*

Rex, &c. Vic^{arius} London^{ensis} salutem Cum
J. R. nuper de Paroch. sancti Sepulchri
London^{ensis} Brasier xxv. die Augusti Anno
regni nostri xxvii. apud Paroch. præd^{ictam} felo
dese devenit ratione cujus & Prærogativæ
nostræ regiæ omnia bona & catalla præfat.
J. R. nobis forisfact. deveni^{erunt} Cumq^{ue} præfat.
J. R. Termino sancti Michaelis &c. (ut
supra in scire fac^{to} versus Debitorem person^{am}
attinct^{um} alt^{erum} prodicionis.)

Scire facias super Obligac^{ione}.

Rex &c. Vic^{arius} N. salutem Cum J. F.
de parochia de W. in Com^{itatu} N. gen. & J. J.
de A. in Com^{itatu} C. per scriptum suum obli-
gatorium

gatorium figillis suis figillat. geren. dat. secundo die Decembris Anno Domini 1668. tenentur nobis in xxv. li. x. s. legalis Monet. Angliæ solvend. ad certum diem jam præterit. Et eas nobis nondum solverunt nec solvi fecerunt (ut dicitur) Nosq; de dictis xxv. li. x. s. jam debet. omni celeritate qua poterimus satisfieri volen' (ut est justum) tibi præcipimus quod non omitt. propter aliquam libertatem quin eam ingred. Et per probos & legales homines de balliva tua scire fac' præfat. J. F. quod sit coram Baronibus de Scaccario nostro apud Westm in Octabis sancti Hillarii prox. futur. ad ostendend. & proponend. si quid pro se habeat vel dicere sciat quare Nos executionem versus ipsum pro præd' xxv. l. x. s. habere non debemus Et habeas ibi tunc nomina eorum per quos ei scire feceritis & hoc breve Teste &c. per script' obligat. præd' Et per Baron.

Scire facias super Inquisition.

Rex &c. Vic' N. salutem Quia J. &c. (ut dicitur) Cumq; p quand. Inquis. indentat. capt. apud le Court House in Westm in Com' Midd. xviii. die instan. Mensis Novembris coram D. F. Ar. & P. W. Ar. Vic' Com' nostri Midd' virtute brevis nostri de extend' sub sigillo hujus Scaccarii

iii versus præfat. A. E. ei nuper direct^{us}
Compertum existit per Sacrament. G. P.
& al. proborum & legalium hominum
Cōm Midd.prædict. Quod quidam F.H.
per nomen F. H. de W. in Cōm N. Ar. p
scriptum suum obligatorium sigillo suo si-
gillat. geren. dat. xv. die Decembris An-
no regni nostri vicesimo nono Annoque
Dom. 1667. devenit obligat. præfat. A.E.
in trescentis libris legalis monet. Angliæ
cum conditione subscript. quod prædict.
F. H. hæred' Executor. & Administrator'
eius solverent seu solvi causarent præfat'
Alex' Executor. vel Administrator' suis
plenam & justam suammam Centū quadra-
ginta & octo librarum & octo solidorum
legalis monet' Angliæ in vel super deci-
mum sextum diem Decembr' Anno regni
nostri xx. absq; fraude vel ulteriori mora
Quod quidem debitum supraspecificat. p-
fat. Vic' Midd' virtute brevis præd' dicto
decimo octavo die instan. Mensis Novem-
bris in man. nostras ceperit prout per
breve præd. retorn' superinde fact' &
dictam Inquis. eidem annex. in Scac-
carium nostrum certific' & ibidem in cu-
stod. Rememoratoris nostri remanen. ple-
nius apparet Nosq; de dictis trescent' li-
bris nobis jam debit. omni &c. versus ip-
sum pro 300. li. per ipsum ut præfertur
habere non debemus &c. Teste &c. per
breve & Inquis. præd. & per Barones.

Scire facias versus Executor' super dabitum person. attici' debi'.

Rex, &c. Vic' E. salutem Cum per quandam Inquis. indentat. capt. apud Paroch. sanctæ Andree Holborne in Com' Midd. secundo die Novembr. Anno regni nostri xx. coram J. H. & J. B. gen. Commissionar. nostris virtute Commissionis nostræ sub sigillo Scaccarii nostri eis & al. direct' ad inquirend' que bona & catall. debit. credit. sive specialitat. J.A. pro diversis altis prodition. per ipsum tricesimo die Januarii Anno Domini 1648. commiss. & perpetrat. attinet. habuit 25. die Marcii Anno Domini 1646. vel unquam postea ratione cujus omnia bona & catall. debit. credit. & specialitat. sua nobis forisfac. devenēr. Compert. existit per Sacram. W. B. & al. proborum & legalium hominum Com. Midd. præd. quod R. J. de R. in Com. Eborum Clericus & J. J. de Vill. & Com. Kingston super Hull Mariner. per scriptum suum obligat. sigill. suis sigillat. geren. dat. 28. die Septembris anno regni nuper charissimi patris nostri xiv. devenēr. conjunctim & divisim obligat. & indebitat. præfat. J.L. in 700 .l. legalis monet. Angliæ sub conditione pro solutione 350l. similis legalis monet. Angliæ eidem J. Executoribus Admini-

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ministrator. &c. suis ad five ante festum
sancti Michaelis Arch. quod tunc fuerit
in Anno Domini 1639. quod quidem de-
bit. & script. obligat. præd. præfat. Com-
missionar. dicto die captionis Inquis. pd.
in man. nostras ceperunt & seisiverunt
prout per Commission. præd. & Inquisi-
tion. præd. eidem annex. in Scaccarium
nostrum certificat. & ibidem in custod.
Rememorator. nostri reman. plenius appa-
ret Nosq; de dictis 350. li. nobis jam de-
bit. omni celeritate qua poterimus satis-
fieri volentes ut est justum Et quia præd.
R. J. & J. J. dies suos clausur. extremos
ut accepimus Tibi præcipimus quod non
omitt. propter aliquam libertat. quin eam
ingred. & per probos & legales homines
de balliva tua scire fac. Executor. testā.
& ult. voluntat. præfat. R. J. & J. J. de-
funct. & administrat. & occupat. bon. &
cattal. eorundem R. & J. tempore mort.
suarum necnon hared. & tenen. terr. &
ten. quæ nuper sua fuer. quod sint coram
Baron. de Scaccario nostro apud Westm.
&c. ad ostend. &c. quare nos execuc. ver-
sus ipsos de bon. & cattal. terr. & ten.
quæ nuper fuer. præfat. J. & R. tempore
mort' suarum in man. suis reman. ad-
ministrand. pro præd. 350. li. habere non
debemus &c. per Commission. & Inquis.
præd. per breve retorn. Ac per Baron.

*Scire facias versus Executorem Super
Debitum assignat'.*

Rex, &c. Vic' London. salutem Cum
W. C. Ar' Receptor noster general. Re-
ventionum Coronæ nostræ in Civitate
London. & Westm & Com. Midd. nobis
ad præsens indebitat. existit in divers. de-
nar. summis ratione Officii sui præd. pro-
ut per Record. Scaccarii nostri apud
Westm plenius apparet Cumque C. E.
de Civitat' London Ar' per scriptum su-
um obligat' sigill' suo sigillat' geren' dat'
nono die Aprilis anno regni nostri deci-
mo nono tenetur præfat' W. C. in ducent-
tis libris legalis monete Angliæ solvend'
ad certum diem præteritum quod qui-
dem scriptum obligat' unacum præd. sum-
ma ducent' libr. in eodem content. idem
W. D. per bon. & sufficien. conveyanc' in
lege geren. dat. nono die instan. mensis
Februarii in & versus solution. & satisfac-
tion. tanti de debito suo prædicto nobis
dedit concessit & assignavit prout per Re-
cord' dicti Scaccarii nostri plenius aliter
apparet Cumque præd. C. E. diem suum
clausit extremum ut accepimus Nosque
de dictis ducent. libris nobis jam debet'
omni celeritate qua poterimus satisfacere
volen' (ut est iustum) vobis præcipimus
quod non omitt. propter aliquam libertat.
quin

quin eam ingred. & per probos & legales homines de balliva vestra scire fac' executor. testamenti & ultimæ voluntatis præfat. C. E. ac Administrat. & occupat. bonorum & catall. quæ nuper sua fuerunt tempore mortis suæ Necnon hæred. & tenen. terr. & tenemen. quæ fuer. præd. C. E. dicto septimo die Julii ult' præter. seu unquam postea quod sint coram Baronibus de Scaccario nostro apud Westm., &c. ad ostendend. & exponend. si quid pro se habeant vel dicere sciant quare nos execution. versus ipsos pro præd. ducentis libris de bon. & catall. quæ fuer. prædicti C. tempore mortis suæ in manibus suis remanen. administrand Et habeas tibi tunc nomina execut. & al. præd. & nomina eorum per quos eis scire fec. & hoc breve Teste, &c. per Assignac. præd. per breve retorn Ac per Barones.

Scire fac. versus Execut'.

Rex, &c. Vic' L. &c. Cum K. M. &c. (usque ad) ut est iustum Et quia p'd. K. M. diem suum clausit extremum ut accepimus tibi præcipimus quod non omitt, &c. Scire fac. Executor. testamenti & ultimæ voluntat. dicti K. Defci. ac Administrator. & Occupat. bon' & catt' ejusdem K. Necnon hæred. & tenen. terr. & tenementorum quæ nuper sua fuerunt quod sint coram Baron',

Baron', &c. ad ostendend. & proponend. &c. versus ipsos de bonis & catallis terris & tenementis quæ nuper fuer. præfat. K. in manibus suis remanen. administrand. pro præd. ducetis libris Et habeas ibi tunc nomina Executor. & al. & nomina eorum per quos eis scire feceris Teste, &c. per breve return. & per Barones.

*Scire facias super Recogn. capt. ad
usum partis.*

Rex, &c. Vic. B. salutem Quia L. N. de R. in Com. tuo gen. venit coram Baronibus de Scaccario nostro apud Westm̄ quarto die Maii anno regni nostri septimo in propria persona & recognovit se debere E. P. generoso centum libr. legalis monetæ Angliæ quas solvisse debuisset ad certum diem jam præteritum Et eas præfat. E. P. nondum solvit nec solvi fecit prout per inspectionem Rotulorum de Scaccario nostro nobis constat Tibi præcipimus quod non, &c. Et per probos & legales homines de Balliva tua scire fac. præfat. L. N. quod sit coram Baronibus, &c. Ad ostendend. & proponend. si quid, &c. quare ipse præd. centum libr. per ipsum in forma præd. recognit. erga præd. E. P. onerari & ei inde satisfacere non debeat Et habeas ibi tunc nomina eorum, &c.

Breve

*Breve de Subpana ad comprehend. per
Bill. Anglic.*

Rex, &c. A. B. salutem Præcipimus
tibi firmiter injungen. quod excusac. qua-
cunque cessan. in propriis personis vestris
fis coram Baronibus de Scaccario nostro
apud Westm̄, &c. ad respondend. nobis
de certis articulis tibi tunc ibidem ex
parte nostra objiciend. Et hoc nulla-
tenus omitt. sub poena centum librarum
quas de bonis & catallis terris & tenemen-
tis vestris si hoc præsens mandatum no-
strum neglexeris ad opus nostrum levari
faciemus Et habeas ibi tunc hoc bre, &c.
Teste, &c. per Barones.

*Subpana ad implend. ordin. five de-
cret. Curie.*

Rex, &c. J. L. salutem Præcipimus
tibi firmiter injungend. quod immediate
post reception. hujus brevis nostri vel no-
tic. inde per te habit. facias exequaris &
perimpleas ill. ordinac. five decret. Curie
Scaccarii nostri (cujus tenor pro pleniori
informatione tua huic brevi nostro annex'
mittimus) & omnes & singulos Articulos
& partes ejusdem in omnibus & per om-
nia prout per eandem Ordinationem five
Decret. per te fiend. excquend. & per-
implend.

Brevia Cur' Scaccarii.

implend. ordinatur limitatur & appunctuatur Et hoc nullatenus, &c. Teste, &c. per ordin. præd. & per Barones.

Consimilis Vic. direct.

Rex Vic', &c. salutem Præcipimus tibi firmiter (ut supra) habit. omnia & singula quæ in quadam ordinatione per Curiam Scaccarii nostri apud Westm̄ sexto die instan. Junii fact. (cujus tenor. pro plenior. informac. tua præsentibus annex. mittimus continentur & specificantur perimptas facias & exequaris juxta veram intentionem ejusdem ordinis Et hoc, &c. Teste, &c. per ordin. præd. & per Barones.

Subpæna ad testificand. in Cur.

Rex, &c. A. B. & C. D. salutem Præcipimus, &c. coram dilecto & fideli nostro E. T. Mil. Capital' Baron. Scaccarii nostri apud Westm. in loco ubi Cur. dicti Scaccarii nostri ibidem communiter custoditur vicesimo die instan. Maii circa horam primam post meridiem ejusdem diei ad testificand. & informand. eundem Capital. Baron. de certis Articulis vobis & cuilibet vestrum tunc ibidem ex parte J. D. qui tam, &c. quer. versus R. R. Def. exponend' Et hoc, &c. per Barones.

Con-

Confimilis apud Cameram Baron'.

Rex, &c. ut supra quod immediate post receptionem hujus brevis nostri vel notic' inde per vos aut aliquem vestrum habit' sitis coram C. S. Armigero un' Baron' de Scaccario nostro apud Westm' apud Cameram suam scituat' in Holborne Court in Gray's Inn in Comitatu Midd. ad testificand. & informand. &c.

*Subpæna ad testificand. coram Com-
missionar'.*

Rex, &c. A. B. & C. D. salutem Præcipimus vobis firmiter, &c. qd', &c. coram dilectis nobis H. L. &c. aut duobus sive plur. eorum Commissionar. virtute brevis nostri de Dedimus potestatem sub sigillo Scaccarii nostri eis aut duobus sive plur. eorum direct' apud domum mansionalem P. L. scituat' in B. in Com. L. decimo die Maii prox. futur. inter octavam & nonam horam ante meridiem ejusdem diei ad testificand', &c.

If the day and place be not certain.

Ad hujusmodi diem & locum sive dies & loca quos vel quæ iidem Commissionar' nostri aut duo sive plur' eorum vobis aut alicui

alicui vestrum scir' fecerint ad testifi-
cand', &c.

Subpœna pro Custag' pro defectu Billæ.

Rex, &c. A. B. salutem Præcipimus
tibi firmiter injungen' quod immediate
post reception' hujus brevis vel notic' in-
de per te habit' solvas seu solvi fac' A. L.
aut Latori hujus brevis nostri ejus in hac
parte assign' xxvj s. viij d. legalis mone-
tæ Angliæ super te taxat' & assessat' per
Curiam Scaccarii nostri apud Westm' pro
mis' & custag. suis quæ sustinuit occasione
comparenc' suæ super process. de Subpœ-
na ad sect. tui præfat. A. B. Et nulla Bil-
la superinde exhibit' Et hoc nullatenus
omitt' Subpœna, &c. per ordin. Cur' pd'
Et per Barones.

*Subpœna per Custag. in obtinend'
Decret'.*

Rex, &c. (ut supra) solvatis seu sol-
vi faciatis aut unus vestrum solvat seu sol-
vi faciat E. F. aut Latori hujus brevis no-
stri ejus in hac parte assign. ill' summam
xx s. legalis monetæ Angliæ super vos
taxat. & assess. per Curiam Scaccarii no-
stri apud Westm' pro mis' & custag. suis
per ipsum sustent. in prosequend. quan-
dam sectam per Bill. Anglic. versus vos
per

Brevia Cur' Scaccarii.

463

per ipsum coram Thesaurar' Canc' & Baronibus Scaccarii nostri præd. nuper exhibit. & in obtinend. Decret. dictæ Curie superinde Et hoc, &c. per Barones.

Subpæna pro Custag. pro defectu replicac'.

Rex, &c. (ut supra) 3 li. 6 s. 8 d. legalis monetæ Angliæ super te taxat' & assessat. per ordin. Cur. Scaccarii nostri apud Westm fact' die Et hoc, &c.

Subpæna pro Custag. super Bill. dismiss.

Rex, &c. (ut supra) pro mis. & custag. suis per ipsum sustent. in defenden' quandam sectam per Bill. Anglican. versus ipsum per te coram Thesaur. Canc. & Baronib. de Scaccario nostro apud Westm nup prosecut. & tunc dismiss. Et hoc, &c. per Barones.

Subpæna ad audiend. Judicium in Camera Scaccarii.

Rex, &c. L. S. salutem Præcipimus tibi firmiter injungen. quod excusac. quacunque cessan. in propriis personis vestris sitis coram Thesaurar. Canc. & Baronibus de Curia Scaccarii nostri apud Westm in Camera

Camera ejusdem Scaccarii die Jovis secunda Sessione sua ibidem super diebus Jovis Termino sancti Hillarii prox. futur. acciden. tricesimo primo die mensis Februarii prox. futur. ad audiendum Judicium & finalem determinationem eorum Thefaurar' Canc' & Baron' in quadam causa per Billam Anglic. inter E. F. quer. & te præfat. L. S. def. adhuc indeterminat' pendē' Et hoc nullatenus omitt', &c. per Barones.

*Subpæna ad testificand. coram Commis-
sionar. virtute Literarum Paten'.*

Rex, &c. A. B. & C. D. salutem Præcipimus vobis firmiter injungen. quod excusac' quacunque cessan. in propriis personis vestris sitis coram dilectis nostris L. M. Armigero, &c. aut tribus sive plur' eorum Commissionar' nostris virtute Literarum nostrarum Patentium sub sigillo Officii nostri apud Westm̄ eis direct' ad inquirendum, &c. de & super quibusdam Articulis sive Interr. in quacum Schedula dictis Literis Patentibus annex. spec. ad certum diem & locum sive dies & loca quos vel quæ iidem Commissionar' nostri aut tres sive plur' eorum vobis ex parte nostra scire fecerint ad testificand. & informand' eosdem Commissionarios nostros aut tres sive plur' eorum de & super Arti-
culis

Brevia Cur' Scaccarii.

465

culis five Interr. nos ad commodum nostrum tangen. vobis tunc ibidem ex parte nostra exponend Et hoc nullatenus, &c. per Barones.

Ad testificand. coram Justic' ad Assisas

Rex, &c. A. B. & C. D. salutem, &c. Sitis coram dilectis & fidelibus Justiciariis nostris ad Assisas in Comitatu nostro Glouc' capiend' assign. videlicet, apud Castrum G. in Com. præd. die Jovis nono die Aprilis prox. futur. circa horam octavam ante meridiem ejusdem diei ad testificand. & informand. eisdem Justic. nostros de certis Articulis nos & commodum nostrum tangen' vobis & cuilibet vestrum tunc ibidem ex parte R. E. qui tam, &c. quer. versus Johan. Loe def. &c. Et hoc nullatenus omitt' Subpœna cuilibet vestrum C li. quas, &c. per Barones.

Ad testificand. in Camera Scaccarii.

Rex, &c. A. B. & C. D. Sitis coram Thesaurar. Canc. & Baron. de Scaccario nostro apud Westm. in Camera ejusdem Scaccarii die Lunæ prima Sessione eorundem Thesaurar. Canc. & Baron. ibidem super diebus Lunæ Termino Paschæ prox. futur. acciden. vicesimo septimo die Aprilis prox. futur. ad testificand. & informand.

H h

Brevia Cur' Scaccarii.

mand. eodem Theſaur. Canc. & Baron. de
& ſuper certis Articulis ſive quæſtionibus
vobis tunc ibidem ex parte L. O. & al.
quer. verſus T. D. defen. exponend. Et
hoc, &c. per ordin. Curiaæ fact. ſeptimo
die Februarii ult. præterit. Et p Barones.

Subpoena ad rejuſgend.

Rex, &c. A. B. ſalutem. Præcipimus
tibi, &c. ad rejuſgend. replicationi E. F.
ad reſponſ. tuam nuper fact' & replicat'
Et hoc, &c. p replicat' præd. & p Baro-
nes.

Litera Magnat' ad comparend.

My Lord,

*After our hearty commendations to your
Lordſhip; whereas there is an Engliſh Bill
exhibited into his Maſteſty's Court of Ex-
chequer at Weſtminſter againſt your Lord-
ſhip and others by L. S. we have thought
fit to give your Lordſhip notice thereof ra-
ther by theſe our Letters than by awarding
his Maſteſty's ordinary Proceſs againſt you,
wherefore theſe are to pray your Lordſhip
to give order for the entering of your ap-
pearance the three and twentieth day of
October next, and of putting in your An-
ſwer to the ſaid Bill, according to the uſu-
al courſe, with all convenient ſpeed, of the
which*

Brevia Cur' Scaccarii.

467

which nothing doubting but that your Lordship will have the care and regard which thereto appertaineth; we bid your Lordship heartily farewell.

Westm. 12 July,
1671.

Your Lordship's very
loving Friend.

Litera Magnat. ad testificand.

May it please your Lordship,
After my hearty commendations, whereas there is a Cause depending in his Majesty's Court of Exchequer at Westminster between Sir F. N. Knight his Majesty's Attorney General, for and on the behalf of his Majesty Plaintiff and Sir J. B. Knight Defendant, wherein you are desired to be examined as a Witness on the behalf of his Majesty upon certain Interrogatories remaining before me at my Chamber in Serjeants Inn in Fleet-street London, whereof I rather thought fit hereby to give your Lordship notice than by awarding his Majesty's ordinary Process in that behalf, so not doubting of your ready compliance herein, I rest

Your Lordship's very loving
Friend,

E. T.

H h 2

Lite-

Litera Magnat' ad audiend. Judicium.

After our hearty Commendations to your Lordship, Whereas there is a Cause depending by English Bill in his Majesty's Court of Exchequer between H. M. Plaintiff and your Lordship and other Defendants, which Cause is appointed to be heard in the Exchequer Chamber at Westminster on Thursday the second sitting there on Thursdays the next Term, we therefore have thought it good to give you notice thereof rather by these our Letters than by awarding his Majesty's ordinary Process against you. Wherefore these are to pray your Lordship to give order to your Lordship's Council learned in the Laws and such others as you shall think fit to be ready and prepare at the said hearing of the said Cause in your Lordship's behalf at the time and place beforementioned then and there to have and receive the Judgment and Decree of the said Court in the Premises according to the usual Custome in such cases; of the which nothing doubting but that your Lordship will prepare your Council accordingly we take our leaves this day of 1670

Your Lordship's to command.

Subpans

*Subpœna pro deliberatione bonorum
seisit. super debit. solut. per Vic.
directa.*

Rex, &c. J. C. nuper Vic' Com. E-
borum salutem Quia B. L. uxor R. L.
de, &c. ven' coram Baronibus de Scacca-
rio nostro apud Westm. ac solvit nobis ad
recept' dicti Scaccarii nostri xx li. parcell'
xliij li. de precio sive valore divers. bon'
catt' & utensilium quæ fuer' præd. R. L.
nuper p te apud, &c. die, &c. p'textu cu-
jusdam brevis nostri tibi in hac parte di-
rect' in manus nostras capt' & seisit' ac
invenit nobis sufficien' securitat' ad satis-
faciend' nobis xxiiij li. de resid. dicti
xliij li. prout per inspect. Rotulorum de
Scaccario nostro, &c. nobis constat tibi
præcipimus firmiter injungen. quod om-
nia bona catalla & utensilia prædicta per
te prætextu brevis præd. in manus no-
stras capt' & seisit. indilate post recepti-
onem hujus brevis liberas seu liberari fac.
indilate præfat' B. L. vel ejus in hac par-
te Deputat' omnia bona & catalla & u-
tensilia præd. in possessione tua remanen'
vel tuipe si hoc præsens mandatum nrm
neglexeris sis in propria persona tua coram
Baronibus de Scaccario nro apud Westm.
&c. ad ostendend. & proponend quare hoc
facere recusaveris Et hoc nullatenus, &c.

Brevia Cur' Scaccarii.

Volumus enim te p deliberationem bonorum catallorum & utensilium prædictorum erga nos inde exonerari per præsentēs Et habeas, &c. per Barones.

*Subpena ad comparend' cum
Evidenciis.*

Rex, &c. J. B. &c. salutem Præcipimus tibi firmiter injungen. quod deferend. tecum omnia Evidenci' script. chart. Feof. fament' Computa & al' munimen' quacunque concernen' sive tangen' aliqua terras tenementa annual' reddit' vel stipend' nuper pertin. sive spectan. fraternitat' sancti Johannis Baptista, &c. ac in custod. & manibus tuis remanen' & existen' ut dicitur Et hoc nullatenus omitt', &c. Et habeas, &c. Teste, &c.

*Subpena ad rejungend. erit in hac
forma.*

P. A. Armigero & R. G. Generoso & vestrum cuilibet salutem Præcipimus vobis & cuilibet vestrum firmiter injungendo quod excusatione quacunque cessante in propriis personis vestris sitis & quilibet vestrum sit in propria persona sua coram Thesaurario & Baronibus de Scaccario nostro apud Westm à die Pasche in Quindecim dies proximo futuro Ad rejungen-

jungendum in quadam Secta coram præfatis Thesaurario & Baronibus nostris per Billam Apglicanam inter vos Defendentes & quosdam J. A. & R. W. Quærentes pendente indeterminata & hoc nullatenus omitteritis sub pœna cujuslibet vestrum *Cli.* quas de bonis catallis terris & tenementis cujuslibet vestrum ad dictos diem & locum non venientes ad opus nostrum levare faciemus Præmuniendo illi vestrum ad cujus manus hoc Breve nostrum prius devenierit Cæteris in eodem Brevi nominatis liberet seu liberari faciat indilate & hoc sub pœna prædicta & habeatis ibi tunc hoc breve. Teste Tanfield Milite apud Westmonaster' secundo Februarii anno regni nostri xix^o. per Thesaurar', &c.

Nota, By this Writ the Defendant who first doth receive the Writ must deliver it unto the other Defendants; But such a Clause is not in the Subpœna out of the Chancery, but the Plaintiff doth deliver to the first whom he serveth a Note in Paper of the day and place of his Appearance and doth shew unto him the Writ sealed and then afterwards doth deliver the Writ it self unto the last Defendant to the End he shall appear in the Chancery as the Writ doth command him. Crompton's Courts, 107 b. & 108 a.

Breve de Superfedeas ad Levare facias.

Rex, &c. Vic' S. salutem Licet per breve nostrum sub sigillo Scaccarii nostri apud Westm tibi nuper præcepimus quod non omitteres propter aliquam libertatem quin eam ingred. ac omnes & singulos reddit' exit' & proficua quarundam terr' cum pertin' Voc' ~~Barth~~lands, &c. de terr' & ten' J. M. Armigeri in manus nostras quarto die Octobris anno regni nostri duodecimo per W. B. Armigerum nuper Vic' Com. præd' capt' & seisit' pro debito xxxv li. super obligat' dat' tercio die Aprilis anno regni nri, &c. provenien' à dicto die captionis eorundem in eisdem manus nostras usque festum beatæ Mariæ Virginis ult' præterit' pro rata temporis & juxta rat' & annual' val' antedict' ad usum nostrum fieri colligi & levare fac. Ita quod denar' ill. cum sic levar' haberes coram Baronibus de Scaccario nostro apud Westm à die Paschæ in quindecim dies prox' Curia nostræ tunc ibidem ad usum nostrum solvend' prout in eodem brevi nostro plenius continetur Quibusdam tamen certis de causis Barones de Scaccario nostro præd. ad præsens mover' Tibi præcipimus quod executioni dicti prioris brevis nostri supersedeas omnino & distractionem si quam in præmissis feceris

feceris aut si quid inde levaveris ill' sine
dilatione præfat' J. M. five ejus Assign'
restituas five restitui facias aliquo in eodem
breui content' in contrarium inde non ob-
stante Teste, &c.

Supersedeas ad Extent'.

Rex, &c. Vic' London. salutem Licet
quod cum R. C. de Newport Pagnel in
Comitatu Buk. Gen. E. B. de Parochia
sancti Dunstani in occiden. London. Mil-
lner J. P. de eadem Candelar' & A. G.
de eadem Candelar' venerunt coram M.
H. Mil. Capital' Baron' de Scaccario no-
stro nono die Decembris anno regni nostri
vicefimo primo in propriis personis suis &
conjunctim & divisim recognoverunt se de-
bere nobis Cxx li. Vobis nuper præcepe-
rimus quod non omitteretis propter ali-
quam libertatem in Balliva vestra tam in-
fra libertat' quam extra quin eam ingred'
ac tam per sacramentum proborum & le-
galium hominum de prædicta Balliva ve-
stra quam omnibus aliis viis mediis &
modis quibus melius sciveritis aut poteritis
diligenter inquir' quas terras & quæ ten-
ta & cujus annui valoris præd. R. C. E. B.
J. P. & A. G. habuer' & eorum aliquis ha-
buit in dicta Balliva vestra dicto nono die
Decembris anno supradicto quo die præ-
dicti R. E. J. & A. nobis debitor' primo de-
vene-

venerunt seu unquam postea hucusque
 Ac quæ & cuiusmodi bona & catalla &
 cuius precii & quæ debita credit' speciali-
 tat' & denar' sum' iidem R.E. J. & A. mo-
 do habent & quilibet eorum habet in dicta
 Balliva vestra Eaque omnia & singula
 p'd. bona & catalla terr' & tenementa de-
 bita credit' & specialitat' & denar' sum'
 in balliva vestra in quorumcunque man'
 adtunc existen' per sacramentum præfat'
 proborum & legalium hominum diligen-
 ter appreciari & extendi ac in manus no-
 stras seisciri faceretis ut ea quousque nobis
 de debit' præd' plene satisfact' fuerit ha-
 beremus juxta formam Statuti pro huius-
 modi debitis nostris recuperand' inde nu-
 per edit' & provis. prout in eodem brevi
 nostro plenius continetur, &c.

*Supersedeas per person' in Schedul.
 brevi longo annex.*

Rex, &c. Vic' Nott' salutem Licet per
 breve nostrum sub sigillo Scaccarii nostri
 apud Westm' tibi præceperimus quod non
 omitt', &c. ingred' & de bon' & catall'
 terris & tenementis cuiuslibet separal' per-
 son' in quibusdam Schedulis dicto brevi
 nostro annex. nominat' & spec' in balliva
 tua fieri faceres separal' denar' summas
 super ipsas & earum quilibet in sche-
 dul' præd' onerat' sive ab eis aut earum
 aliqua

aliqua exact' Ita quod denar' ill' cum
sic levaveres haberes coram Baronibus de
Scaccario nostro apud Westm indillate &
de tempore in tempus ut eas lebares Et si
forte bon' & catall' terræ & tenementa
præd' separal' person' sive earum alicujus
ad solutionem præd' separal' summas su-
per ipsas & eorum quilibet in schedul'
præd' onerat' non sufficerent Tunc non
omitt' propter aliquam libertat' quin eam
ingred' & corpora præd. separal' person'
& earum cujuslibet (Magnat' Dñis &
Dñabus except') caperes & in prisona
nostra donec nobis de debitis prædict' ple-
nius satisfacerent salvo custod' ac tam per
sacramentum proborum & legalium ho-
minum de prædicta balliva tua vel aliter
per sacramentum & testimonium aliquo-
rum proborum hominum de eadem balli-
va tua per quos rei veritas melius scire
poterit quam omnibus aliis vijs & mo-
dis quibus melius sciveris & poteris dili-
genter inquir' quas terras & quæ tene-
menta & cujus annui valoris eadem sepa-
ralia person' habuissent aut eorum aliqua
habuisset in dicta Balliva tua dictis sepa-
ralibus diebus & annis in dict' schedul'
spec' quibus nobis primo debitor' inde de-
ven' seu unquam postea usque emanac'
brevis præd' Ac quæ & cujusmodi bon'
& catall' & cujus precii eadem separal'
person' adtunc habuissent aut eorum ali-
qua

qua habuisset in dicta Balliva tua Eaque omnia & singula prædicta bona & catalla terri & ten' in quorumcunque manibus ad tunc existerent per sacramentum præfat' proborum & legalium hominum diligenter appreciari & extendi ac in manus nostras capi & seisciri faceres prout in eodem brevi inter alia plenius continetur Quibusdam tamen certis de causis præfat' Baron' de Scaccario nostro præd' ad p'sens moven' tibi præcipimus quod executioni dicti prioris brevis nostri quoad J. C. de, &c. pro debito C li. per obligat. dat. tercio die Junii Anno regni nostri xx. Superfedeas omnio Ac si forte aliqua bon' vel catall' vel ten. præd' in manus nostras occasione dicti prioris brevis nostri ceperis aut ipsum præfat. J. occasione ea sola & non al' arrest' teneris tunc bon' & catall' terr' & ten' præd' ei redlibertes & redelibrari fac. Ac ipsum ad largum ire permittatis indilate tenore præsent' dicto priori brevi nostro aut aliquo in eodem content. in contrarium inde non obstan' per Warriant' &c. Et per Barones.

Supersedeas ad Distring'.

Rex, &c. Vic' London' salutem licet nuper per breve nostrum sub signillo Scaccarii nostri apud Westm' vobis nuper præcipimus quod non amitt' propter aliquam libertatem

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libertatem quin eam ingred. & Distring'
D. G. Receptor. &c. per omnes terr. &
catall. sua in balliva vestra Ita quod
nec ipsi nec aliquis per ipsum &c. Et
quod de &c. quod haberetis &c. ad respon-
dend. nobis & c. computavit prout in eo-
dem brevi inter al' plenius apparet Qui-
busdam tamen certis de causis præfat. Ba-
ron' de Scaccario nostro ad præsens mo-
ven' Vobis præcipimus quod executioni
dicti Prioris brevis nostri in omnibus Su-
persedeas omnino dicto Priori brevi nostro
aut aliquo in eodem content. in contra-
rium inde non obstan. Teste.

Supersedeas ad Summonic' Pipe.

Rex, &c. Vic' Leic' salutem Licet nup
breve nostrum sub sigillo Scaccarii nostro
apud Westm' tibi nuper præcipimus quod
sicut teipsum & omnia tua diligeres esses
coram Baron' de Scaccario nostro apud
Westm' ad certum diem in eodem brevi
content' Et quod haberes ibi tunc quic-
quid nobis deberes de novis & veteribus
firmis & omina debita in eadem Summoni-
tione content' & Summonic. ill' prout in
eodem brevibus nostro inter al' plenius con-
tinetur Quibusdam tamen certis de cau-
sis Baron' de Scaccario nostro apud Westm'
ad præsens moven' Tibi præcipimus qd'
executioni dicti Prioris brevis nostri quo-
ad

ad Exit' Maner' de A. &c. de terris & ten' A. G. in manus nostras per F. R. nup M. il. Vic' Com' L. præd' xviii. die Octobris Anno regni nostri xxiii. capt. & seisit. virtute brevis nostri de extent. vers' ipsum præfat' A. G. super scriptum obligat' geren' dat' xx. die &c. in quo ipse tenetur nobis in duas libr' in omnibus Superfed' omnino Et si forte aliqua bona aut denar' sum' in man' nostras ea sola occasione & non al' ceperis tunc bon' & catall' & denar' sum' præd' & qm'libet inde parcell' præfat' J. G. seu ejus in hac parte assignat' hoc brevi ostenden' sine dilatione immediate post reception. hujus brevis nostri restituas Volumus enim te erga nos exonerari tenore præsentium dict' priori brevi nostro aut aliquo in eodem content' in contrarium inde non obstan' Teste &c. per Warrant' & per Barones.

Superfedeas ne colliget Reddit'.

Rex, &c. Ar. Ballivo seu Collector' revention' & reddit' terr' dominical' nuper Monalter' de S. in Com' M. salutem quibusdam certis de causis Thes. Cancellar' Sub-thes. & Baron' de Scaccario nostro apud Westm' ad præsens moven' tibi precipimus firmit' &c. cessan. post receptionem hujus brevis de sive cum levatione aut Collectione Revention' & Reddit' præd' aut

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aut alicujus inde parcell' seipsum sive deputat' aut Deputat' suos nullatenus in remitt' sed hujusmodi Collection' omnino Superfed' quousq; alr' a nobis habuer' in Mandat' aliquibus literis Paten' nostris aliquorum progenitorum nostrorum tibi in sive de præmissis confect' aut aliqua al' re quacunq; in aliquo non obstante Et quod in propria persona tua sis coram &c. deferen' tecum omnes & singulas denar' summas per te ratione Officii tui Collect' præd' recept' ac nobis aretro insolut' existen' nobis tunc & per assignationem & appunctionem. eotundem Baron' solvend' Et hoc breve Teste &c.

Superfedeas ad Nisiprins.

Rex, &c. Dilectis & fidelibus nostris Justic. nostris ad Assisas in Com. K. capiend. assign. salutem Cum nos nuper volentes certis de causis quod Barones de Scaccario nostro apud Westm per vos certiorerentur si A. B. D. L. sive eorum aliquis &c. in quodam Recordo penes dict' Scacc' nostrum remanen' prout nobis supposit' necnon iidem A. B. & D. L. dicuntur Ac nos vrs fidelitat' & industr' plurimum confiden. per literas nostras Paten' sub sigillo dicti Scaccarii nostri nuper Assignaverimus vos ad inquirend. per sacram proborum & legalium hominum dicti Com' nostri K. ple-

K. plenius veritatem juxta vim formam & effectum cujusdam processus Recordi p'd' penes dictum Scaccarium nostrum habit. Cujus tenorem pro pleniori Informac' vestra in præmissis habend' sub sigillo ejusdem Scaccarii nostri unacum dictis literis nostris Paten' vobis Misimus inspiciend'. Et Ideo vobis mandaverimus qd' apud &c. personalit' accederitis & de præmissis diligenter inquiretis Ita quod Inquisit. inde coram vobis distincte & aperte capt' haberetis coram præfat' Baron nostris apud Westm' &c. Cur. nostræ tunc ibidem liberand' prout in eisdem brevibus nostris Paten' ac in dicto tenore Recordi prædict' plenius continetur Quibusdam tamen certis de causis eisdem Baron' nostros jam moven' Vobis mandamus quod de Executione præd' literar. Paten' &c. processus præd' in præmissis vobis nuper direct' ac de omnibus in eisdem content' exequend' supersedeas omnino dictis literis nostris Paten' & cæteris præmissis in aliquo non obstan. Teste &c. per Barones.

*Supersed' direct' Episcopo in action' in
Cur. sua incept.*

Rex, &c. Reverendo in Christo patri W. divina providencia Episcopo Dunelm. Necnon omnibus & singulis Consiliar' Advocat' Solicitat. pro curat' & factoribus

toribus tui præfat' W. & vestrum cuilibet salutem Quibusdam certis de causis Canc' & Baron' de Scaccario nostro apud Westm' ad præsens moven' vobis & cuilibet vestr' præcipimus & firmiter injungend' Mandamus quod de cætero post reception' hujus brevis nr'i vel notic' inde p' vos seu aliqu'm vrm hit. non prosequamini aliqu'm action' sect' Bill' querel' libell' placit' sive querimon' per vos aut aliquem vestrum nuper incept' mot' seu habit' sive imposterum incipiend' movend' seu habend' versus quendam J. N. aut ipso Defunct' versus ejus Executor' sive Administrat' vel eorum aliqu'm p' sive concernen' procuraciones Synodal. annual. pension' sive pensiones pro qualibet Præbenda de H. in Ecclesia Collegiat' de C. in dicto Com' D. sed de cætero ab omnibus hujusmodi action' sect' Libell' querel' placitis & querimon' ac omni prosecutione eorundem Superfedeatis & quilibet vestrum Superfed' omnino quousq; mater' per Billam Anglican' inter præfat' J. N. quer' & te præfat. W. Episcop' Dunel' defen' coram præfat' Cancellar' & Baron' nr'is p' præmissis in lite pend' plenar' audit' & determinat' fuerit & superinde alit' per Cur' Scaccarii nostri præd' ordinat' sive direct' fuit. Et hoc &c. Subpœna cujuslibet vestrū CC. li. Teste &c. per ordin' Cur' & per Barones.

Superfed. pro Fimar. Regis ne trahatur in placit. alibi quam in Scaccario.

Rex, &c. A. B. &c. Cum un' Mesuagiū &c. prout in quamplurimis Record' &c. Cumque per leges & Statut' regni nostri Angl' ac secundum privileg' jurisdictionem & consuetud' dicti Scaccarii nostri omnes revention' & reddit. terr. corone nostræ præd' in dicto Scaccario nostro nobis respons. existunt. Ibiq; omnia & singula Record' script. muniment' & evidenc' nostra jus titulum & interesse in eisdem testifican' pro securitate nostra in præmissis habend' reponuntur & existunt secund' leges Statut' privileg' Jurisdiction' & consuetud' vosque exheréditation' nostram in præmissis intenden' quendam T. D. firmar' nostrum in præmissis alibi qm̄ in dicto Scaccario nostro ubi jus & titulum nostrum in præmissis pro nobis prætextu præmiss. melius & magis idon' apparet ac triari potest & debet pro præmissis trahitis in placitum & graviter inquiet. redd' in nostri dampn' & contemptum ac contra ligēanc' vrum erga nos & leges nostras debet' necnon contra Statut' leges Privileg' Jurisdiction' & consuetud' præd' ut accepimus Et nos Statut. leges Privileg. Jurisdiction' & consuetud. præd' necnon jus & titul' nostrum ad & in præmissis prospicere

spicere volen^o (ut est iustum) Vobis ꝑcipimus firmiter injungend^o qd. de omnib. sect^o action^o placitis querel^o & quereimon^o versus dict^o firmar. nostrum pro præmissis aut aliquo præmissorum in omnibus Cur. nostris quibuscunq; præterquam in dicto Scaccario nostro per vos aut aliqu^o vestrū mot^o exhibit. incepti. sive habit. aut imposter movend^o exhibend. incipiend^o sive habend. omnino Superfed^o indilate ac eundem firmar. nostrum sive assign. suos de & pro præmissis aut aliqua inde parcell^o alibi quam in dicto Scaccario nostro per vosmet ipsos sive Deputat. aut Attorn^o vestros de cetero non trahatis in placitum molestetis aut aliquis vestrum molestat aut aliquo modo quocunq; inquiet. reddatis quousq; aliter a nobis habueritis in mandat. Et hoc Subpœna &c. quas &c. præmunien. &c. Teste &c.

Supersedeas super Extent^o.

Rex, &c. Vic^o Midd^o salutem Licet Cum R. C. de &c. ven. coram M. H. Mil. un. Baron. hujus Scaccarii x. die Decembr. anno regni nostri 22. in propria persona sua & recognovit se debere nobis 20. li. tibi nuper præcepimus quod non omitteres propter aliqu^o. libertat. in balliva tua tam infra libertat. qm. extra quin eam ingred. & cap. præd. R. G. ac in prisona nostra

donec nobis de debit. præd. plene satisfaceret salvo custodires Ac tam per sacram. proborum & legalium hominum de balliva vestra qm. omnibus aliis viis mediis & modis quibus melius scires & poteres diligenter inquir. quas terr. & quæ tenementa & cujus annui valoris præd. R. C. habuit in dicta Balliva tua dicto x. die Decembr. Anno supradicto quo die præd. R. nobis debitor primo devenit seu unquam postea hucusq; Ac quæ ac cujusmodi bon. & catall. & cujus præcii & quæ debit. credit. specialitat. & denar. summas idem R. C. modo habet in dicta Balliva tua Ea; omnia & singula præd. bona & catall. terr. & ten. debit. credit. & specialitat. & denar. suum in balliva tua in quorumcunq; manibus adtunc existerent. per sacram. præfat. proborum & legalium hominum diligenter appreciari & extendi ac in manus nostras seisciri faceres ut ea quousq; nobis de debito prædict. plene satisfact. fuit? haberemus juxta formam statuti pro hujusmodi debitis nostris recuperand. inde nuper edit. & provis. prout in eodem brevi nostro plenius continetur Quibusdam tamen certis de causis Baron. de Scaccario nostro apud Westm. ad presens moven. tibi præcipimus quod executioni dicti prioris brevi nostri in omnibus supersed. omnino. &c.

Superseden

Supersedeas super Extent quoad corpus.

Rex, &c. Vic. L. M. salutem Licet quia M. D. Civis & Pellar. London. per scriptum suum obligat. geren. dat. &c. tenentur nobis in tribus Mille libris legalis monet. Angliæ prout per script. obligat. præd. in Scaccario nostro apud Westm. in Custod. Rememorat. nostri remanen. plenius apparet vobis per breve nostrum sub sigillo Scaccarii nostri nuper præcepimus quod non omitt. propter aliqu. libertatem in balliva vestra tam infra libertat' quam extra quin eam ingred. & corpus præd. M. D. capi ac in prisona nostra donec nobis de debito præd. plene satisfecisset salvo custod' prout in eodem brevi nostro inter alia plenius continetur Quibusdam tamen certis de causis Barones de Scaccario nostro apud Westm. ad præsens moven. vobis præcipimus quod execuc. dicti prioris brevis quoad captionem & arrestationem corporis præd' M. D. in omnibus Supersed' omnino Ac si præfat. M. D. occasione brevis præd' & non al' ceperitis vel si corpus præd' M. D. ea sola occasione & non al' arrestaveritis tunc ab arrest' præd' relaxetis ipsumq; M. D. ad largum ire permittatis indilate tenore præsentium dicto priori brevi nostro aut aliquo in eodem content' in contrarium inde non obstan. Teste &c.

*Brevia Cur' Scaccarii.**Breve de Venditioni expon'*

Rex, &c. Vic' B. salutem Cum T. W. & T. L. per scriptum suum obligat' geren' dat' x. die Augusti anno regni nostri vicesimo tenentur nobis in summa xx. l. legalis monet. Angliæ solvend. ad certum diem jam præterit. Cumq; A. B. nuper Vic. Com' præd' virtute brevis nostri de extend' sub sigillo Scaccarii nostri versus præfat' T. W. & T. L. eidem nuper Vic' direct' decimo die Maii ult' præterit' ceperit & seisciri fecerit in manus nostras sex Cathedras &c. de bon. & catallis prop' dicti T. W. put per breve præd' retorn' ejusdem & quandam Inquis. eidem brev' annex' in Scaccarium nostrum certificat' & ibidem in Custod. Rememoratoris nostri remanen' plenius apparet Nosq; de vero valore bon. præd' nobis jam debit. omni celeritate qua poterimus satisfacere volen' (ut est iustit) Tibi præcipimus quod non omitt' propter aliquam libertatem quin eam ingred. & per Indentur. inde inter te præfat' nuper Vic' debite conficiend' bon' & catall' præd' & quilibet inde parcell' in manus tuas recipiatis & ill' sic recept' cariori præcio quo poteris seu saltem pro prædictis respectivis ratis & summis ad quas superius appreciatur vendas seu vendi fac' indilate Ita quod denar' ill' de venditione inde provenien' habeas coram Baronibus de Scaccario

rio

rio nostro apud Westm' &c. Cui nostræ
tunc ibidem ad usum nostrum solvend' Et
habeas &c. per breve & Inquis. præd. ac
per Warrant' &c. Et per Barones.

Breve d; Venire Facias.

Rex, &c. Vic. Midd. salutem præci-
pimus tibi quod non omitt. propter ali-
qm libertat' quin eam ingred' & Venire
fac' coram Baronibus de Scaccario nostro
apud Westm' &c. duodecim libros & lega-
les homines de balliva tua de vicinet' de
R. in Com' præd' quorum quilibet habeat
quatuor libr' terre & ten' vel reddit' per
annum ad minus per quo: rei veritas me-
lius sciri poterit Et qui A. B. nulla affi-
nitate se attingunt ad faciend' quandam
Jur' inter nos & præfat' A. B. de certis
Aticulis unde posuimus nos in Inquisic' Et
habeas ibi tunc nomina Jur' & hoc breve
Teste &c. per Rotulum Memorand' de
eodem Anno Regis hujus Paschæ Record'
R. Et per Barones.

Et quorum una pars sit de person' indi-
gen' & altera pars sit de alien'.

Venire fac' coram Commiss. per literas Paten.

Rex, &c. Vic', Midd' salutem Cum
nos per Literas Paten' sub sigillo Scaccarii
nostri nuper assignavimus dilectos & fide-

les nostros C. D. Ar. &c. aut tres five plur eorum Commissionar nros ad inquirend' de certis Articulis nos & commodum nrm tangen. in eisdem Literis Paten. & schedul. Articulorum five instruction. eisdem annex. spec. Tibi præcipimus qd' non omitt. propter aliqu. libertatem quin eam ingred. & tocies quociens & ad hujusmodi diem & locum five dies & loca quos vel que iidem Commissionar nostri aut tres five plur eorum tibi ex parte nostra sciri fecerint Venire fac. coram eis tot & tales probos & legales homines de balliva tua per quos rei veritas de & super præmissis in dictis Literis Paten' spec. melius sciri poterit & inquire Et habeas ibi tunc nomina Jur & hoc breve Teste &c. per Rotulum Memorand. &c. Et per Barones.

Venire fac. in Wallia.

Rex, &c. (ut in veniri fac.) de Vicinet. prox. adjacen. Ville de N. in Corn. nostro Mountgomer' Quorum quilibet habeat, &c.

PLEA.

PLEADINGS

IN THE

COURT of EXCHEQUER.

BALLIUM.

*E. G. gen. traditur in Ballium sexto die
Januarii anno Regni Dom. Regis
nunc Caroli secundi duodecimo.*

*A. B. de London. & C. D. de eadem viz.
quolibet eorum corpus pro corpore usq;
Crastinum diem & sic de die in diem
& Termino in Terminum quousq; &c.*

Conveyanc. super mortem Maria Regina.

ITa, &c. in octabis Sancti Martini Ante quem diem predicta Domina Regina Maria obiit pred. quæ J. E. ad eundem diem non venit per quod Loquela pred. remansit sine die Et Domina Regina Elizabeth. ut filia Domini Henrici nuper Regis Angliæ octavi ipsam nuper Dominam Reginam Mariam jure hereditario in regimine hujus Regni successit

cessit ac Regimen ejusdem regni ante dict.
 Octabas Sancti Martini super se sumpsit
 super quo Conf. est quod pred. J. E.
 venit hic de novo ad respondend. Duæ
 Reginae Eliz. in premissis Et prec. est Vic.
 dicti Com. M. quod ipsum J. venire fac.
 hic in forma pred. Ita, &c. in Octab.
 Sancti Hillarii Ad quem diem Vic. non
 retorn. breve pred. nec pred. J. ven.
 Ideo, &c.

*Super Irrotlamen. de Oblig. le tallies
 placit. & le quietus est.*

Et modo scil. à die Pasche in quindecim dies hoc Termino ven. hic pred. J. D. gen. in propria persona sua & per. audit. script. Obligat. pred. & conditionis ejusdem & ei leguntur Quibus lectis & per ipsum intellectis dic. quod dicta Domina Regina nunc ipsum pro pred. septem libr. in conditione Oblig. pred. aliquat. impetere seu occasionare non debet quia dic. quod bene & fidelit. respons. & satisfact. est dict. Domine Regine de dict. septem libris in dicta conditione specificata per man. R. D. Ar. Recept. dicte Domine Regine general. in South-Wallia per tall. levat. vicesimo quinto die N. Anno, &c. & inde Quiet. existit sicut continetur in magno Rotulo hujus Scaccarii sub titulo Rotulo de subsid. ex parte in.

ingrossat. ejusdem remanen. unde petit
Judicium ac quod pred. obligat. cancel-
letur & evacuatur ac sibi exonerac' sua
deliberetur super quo visis premissis per
Barones hic habitaque matura delibera-
tione inde inter eosdem cons. est, &c.

Conveianc. ubi venire facias est direct.
Coronator.

Et quia testat. est hic in Cur. per A. B.
ex cujus Relatione pred. Attorn. Domine
Regine general. Information. predictam
exhibuit quod pred. J. C. modo Defend.
est consanguineus D. E. modo Vic. pred.
Com. V. ubi exit. pred. triand. existit
Ideo ne idem Vic. retorn. Panell. de no-
minibus Jur. in favore predict. J. C.
Cons. est quod mandetur Coronatori-
bus dicti Com. N. in premissis Et pre-
cept. est Coronator. &c.

Alit. in simili casu.

Et quia pred. A. B. hoc Terminio in
propria persona sua venit & dat. Cur.
hic intelligi quod C. D. mil. modo est
Vic. dict. Com. C. Et quod idem C. D.
est firmar. Domine Regine de predicto
Manerio de ff. unde ten. in Informati-
one pred. spec. supponuntur fore parcell.
&c. pro terminio diverforum annorum ad-
huc

huc ventur. & quod quicquid recuperetur per Informationem predictam cedat in commodum ejusdem C. D. Et quod ea de causa idem C. D. non est indifferens ad faciend. Jurat. inter ipsum & dictam Dominam Reginam ad triand. Exit. pred. unde pet. quod breve de venire fac. dirigatur Coronatoribus Com. pred. ad quam quidem petitionem pred. Attorn. Domine Regine General. agreevit Ideo, &c.

Alit. in consimili casu.

Inquisitio, &c. Et super hoc pred. Attorn. General. pro dicta Domina Regina dic. quod quidam T. S. Mil. modo Vic. pred. Com. L. existit Quiquidem T. est Persona Ecclesiæ de N. in Com. predicto unde pred. Capell. &c. superius mentionat. cum pertin. est parcell. Et ea de causa pro dicta Domina Regina petit breve Domine Regine de venire fac. hic xij. &c. ad triand. exit. pred. Coronat. in pred. Com. L. dirigend. Et quia pred. N. hoc non dedit sed illud verum fateatur ei conceditur, &c. Ideo Pecept. est Coron. pred. quod non omitt. &c.

Conveiant. de Fine super Informac'

Ideo fiat inde Inquisic' pred. tamén A
ut parcatur mis. & expens. quæ ipse su-
stentur. sit circa captionem Inquis. pred.
in premissis capiend. & ne ipse idem A. B.
ulterius vexetur in premissis petit ex gra.
Cur. se ad rationabilem finem cum dicta
Domina Regina in premissis faciend. ad-
mitti Et super hoc pretextu cujusdam
brevis Domine Regine de privato sigillo
suo Thess. Canc. & Baron. & al. Officiar.
hujus Scaccarii direct. irrotulat. alibi in
Memorand. hujus Scaccarii ex parte hujus
Remem'at. de personis admittend. per
dict. Thess. Canc. Baron. & al. Officiar.
hujus Scaccarii pred. ad fines cum Domina
Regina faciend. in consimilibus casibus
juxta discretiones eorundem Thess. Canc.
Baron. & al. Officiar. admiss. est ad hu-
jusmodi finem faciend. juxta tenorem bre-
vis pred. & fecit finem in premissis ad
octo libr. sicut continetur alibi in Me-
morand. hujus Scaccarii de anno xxº Re-
gine hujus (viz.) inter fines predict.
considerat. est per Barones quod versus
pred. A. B. non fiet in premissis hic ul-
terior Executio.

Finis

Finis super Obl. Certificat. per Cusum.

N. C. de S. in Com. K. & J. H. de, &c. tenentur per Obligationem dat. &c. pro discariatione extra le Diamond. de, &c. unde pred. J. H. fuit Mr. C. quarter. tritici in D. prefat. N. C. & J. H. de Composic. secum fact. pro penalitate obligationis pred. juxta tenorem & effect. brevis Dom. Regine nunc de privato sigillo direct. Thesaurar. Baron. & al. Officiar. hujus Scaccarii de anno secundo dicte Domine Regine, Viz. inter brevia dict. Scaccarii de Termino Pasche Rotulo, &c. ex parte hujus Remem'at.

Ubi divers. sunt in Informatione & unus comparuit, &c.

Super quo considerat. est quod pred. N. D. & J. K. attachientur per corpora sua ubicunque, &c. ad respondend. dicte Domine Regine in premissis Et preceptum est Vic. dicti Com. &c. quod ipsos N. D. & J. K. attachiat in forma pred. Ita, &c. Ad quem diem Vic. non retorn. breve nec pred. J. K. ven. Ideo versus ipsum fiat hic ulterior Executio sicut continetur in ligula brevium execut. pro Regina de hoc anno dicte Domine Regine nunc & annis sequen. in B. ex parte hujus Re-

Remem^rat. pred. tamen W. D. ad eundem diem in Cur. hic inventus ac de premiss. per Baron. hic allocut. quarto die Februarii anno Regni dicte Domine Regine nunc xxxij. supradicto pro premissis committitur prisone Domine Regine de le Fleet ibidem moratur. quousque, &c. incontinenter eodem die pred. N. D. per Guardian. prisone pred. hic ad Barr. ductus ex gra. Cur. traditur in ball. A. B. de C. in Com. &c. & C. D. de eadem (viz.) utrique eorum corpus pro corpore usque in Crastinum diem & sic de die in diem & Terminum in Terminum quousque, &c. cujus quidem Ball. pretext. idem N. D. à prisona pred. liberatur Et super hoc ad eundem diem ven. hic pred. N. D. in propria persona Et pet. audit. Inform. pred. &c.

*Obligac. cancellat. & deliberat. pre-
textu finis.*

Compertum est per quandam Obligationem hic in hoc Scaccario remanen. & in Custod. hujus Rememorat. existen. quod R. P. & J. D. tenebatur Domine Regine nunc in quindecim libr. legalis monet. Angliæ solvend. ad certum diem jam preterit. sub certa Conditione superinde indorsat. Cujusquidem Obligationis & Conditionis tenor sequitur in hæc verba

ba ff. Noverint universi per presentes nos, &c. **The Condition**, &c. Et modo scil. A die Pasche in quindecim dies hoc Termino vener. hic R. P. & J. D. in propriis personis suis & pet. audit. Obligac' pred. & Conditionis ejusdem Et eis leguntur Quibus lectis & auditis & per ipsos intellectis dicunt quod predicta Domina Regina nunc ipsos R. & J. pro pred. quindecim libr. in Obligatione pred. spec. impetere sive occasionare non debeat Quia dicunt quod pred. secundo die Januarii anno, &c. ipsi pred. J. P. & R. D. apud, &c. in Com. &c. posuer. & eskipper. in pred. Vaf. vocat. le H. &c. in Conditione Obligac' pred. spec. adtunc & ibidem super aquam jacen. & existen. pred. Centum quarter. Tritici, &c. in Conditione pred. spec. abinde in eadem Nave usque S. aut alibi infra hoc regnum Angliæ per aquam cariad. & convehend. Quodque postea scilicet primo die Februarii dicto anno regni, &c. pred. R. P. & J. D. in & super Passagium & Voiagium suum ad port. &c. versus S. pred. in nave pred. cum pred. bonis in alto Mari exopposit. Vill. de Dover in Com. Kanc. existen. navigan. venit & surrexit tunc ibidem super altum Mare quedam magna Aeris tempestas & venti flatur. Marisque intemperies quorum pretextu & vigore pred.

pred. navis unacum prefat. R. P. & J. D.
ac diversis al' Marinar' nec non dict.
bon' in eadem existen' versus & usq; Calis.
in partibus Franc. contra intenc. & vo-
lunatt' ipsorum R. & J. & dict' Marinar.
violenter agitat' fereq; per jactanc' Maris
rupta & distructa fuit sic qd' iidem R.P.
& J. D. dictam Navem apud Calis. pred.
exoneraverunt & reedificaverunt ante-
quam ipsi in hoc regnum Angliæ in vadi-
um enavigare ausi fuer. aut potuer. absq;
magne subversionis periculo per quod ii-
dem R. P. & J. D. Certificac' deliberac'
bonorum pred' juxta tenorem Conditio-
nis pred' testifican' Custumar' in dicto
Port' Devon' adducere & deliberare non
potuer' Et pred' R. P. & J. D. ulterius
dicunt quod dicta Domina Regina nunc
per breve suum sub privato sigillo suo
dat' apud Pallacium suum Westm' ix. die
Aprilis anno regni sui secundo Thes.
Canc. Subthes. Capitali Baron' & al'
Baron' hujus Scaccarii quod adtunc fuer'
& qui extunc imposterum essent Ac G.G.
Ar' Attorn' ejusdem Domine Regine ge-
neral' & al' Attorn' & Attorn. General'
qui pro tempore existen' forent direct'
quod irrotulatur alibi in Memorand' hu-
jus Scaccarii anno secundo Regine hujus
videlicet inter brevia direct' Baron' de
Term. P. R.º &c. ex parte hujus Remem'at'
volent' inter al' extendere person' in hu-

moi' obligac' gratiam & clemenc. suam
 in eisdem ac intenden' punitionem om-
 nium malefactorum secundum eorum me-
 rit' & relevium & auxil' bonorum Mercat'
 & al' in caus. cons. per coercionem &
 contra voluntat' suas offenden' inter al'
 autorizavit & dedit plenam potestatem
 & auctoritatem ejusdem Thes. Canc.
 Subthes. Baron' & Attorn' General' pro
 tempore existen' fore duos ad evocand.
 coram eis per ordinat' process. hujus
 Scaccarii aut alr. per eorum discretiones
 omnes & singulas humoi. person. & per-
 son. sic. obligat. aut extunc imposterum
 obligand. in aut pro causis supradictis
 hered. Executor. & Administrator. suos
 pro premissis debit. examinand. Et super
 hujusmodi debit. examinac. alloquend. con-
 cludend. & componend. pro eadem Do-
 mina Regina ac in nomine suo cum om-
 nibus & singulis aut aliquam hujusmo-
 di person. & personis sic obligat. aut ex-
 tunc imposterum obligand. hered. Exe-
 cutoribus vel Administratoribus suis pro
 omnibus & singulis hujusmodi denar. sum-
 ma & summis in aliquibus aliqua hujus-
 modi persona sive personis obligarentur
 in aliqua sive aliquibus hujusmodi obligac.
 sive obligac. pro causis supradictis cum
 aut pro hujusmodi denar. summa sive
 summis ad usum ejusd. Domine Regine
 ad Recept. hujus Scaccarii immediat. ad

unam

unam integram solutionem five ad duos
diversos per eorum appunctuat. proinde
solvend. quæ eorum sanis discretionibus
bona idonea. conveniens ac rationabilis bone
idonee Convenien. & rationabil. videretur
juxta transgr. offens. merit. & habilitat.
cujuslibet five alicujusquarumlibet five
aliquarum hujusmodi person. five personarum
sic obligat. five extunc impostero obligand.
Quasquidem ordin. & compositionem per eosdem Thes. Canc. Subthes.
Baron. & Attorn. General. ut prefertur
pro dicta Domina Regina in premissis
capt. & habit. eadem Regina per dictum
breve suum content. & placat. existit
accipere admittere & allocare pro plena
satisfactione eidem Domine Regine de
integr. denar. summa five summis in qua-
libet hujusmodi obligac. five obligationi-
bus content. five continend. sic coram &
cum prefat. Thes. Canc. Subthes. Baron.
& Attorn. General. ad usum ejusdem Do-
mine Regine juxta dict. voluntat. suam
composit. Dictaque Domina Regina per
dictum breve suum de privato sigillo suo
voluit & mandavit inter al. prefat. Baro-
nibus quod ipsi super quamlibet hujusmodi
composic. pro aliqua obligac. pred. &
ordin. pro soluc. pred. inde capt. ut su-
pradictum est ac vobis eis de Recordo in-
trat. de tempore in tempus non solum
cessat. omnes & omnimod. process. &

execuc. pro eadem Domina Regina seu in nomine suo fact. & fiend. versus person. sic obligac. verum etiam exonerarent cancellarent & frustrarent de Recordo dict. obligac. sive obligac. sic composit. erga eandem Dominam Reginam hered. & Executores suos prout in brevi pred. inter al. plenius continetur Et dicunt ulterius iidem R. P. & J. D. quod ipsi sunt valde pauperes & inhabiles ad satisfaciend. Domine Regine de dicta summa xv. li. in obligac. sua spec. Quæ omnia & singula iidem R. P. & J. D. parat. sunt verificare prout Cur. &c. Et modo petunt quod pro dicta obligatione & dict. sum. xv l. in eadem content. secum componatur juxta tenor. & effectum predict. brevis Dom. Regine de pri. sig. Et super inde dat. est Cur. hic intelligi per divers. fide dign. presentes hic in Cur. ac debit. hic in premiss. examinat. dictam navem usque Calis' pred. violenter agitat. fuisse modo & forma prout iidem R. P. & J. D. superius placitand. allegaverunt R. M. miles, &c. presentes hic in Cur. pro dicta Domina Regina composuer. pro dicta summa xv l. in obligac. pred. spec. cum pred. R. P. & J. D. pretextu dicti brevis dicte Domine Regine de privato sigillo pro summa quindecim solid. ad usum dicte Domine Regine ad Recept. hujus Scaccarii in dilate solvend. sicut continetur

netur in hiis Memorand. hujus Scaccarii viz. inter fines de hoc Termino R^o &c. ex parte hujus Remem^rat. Et super hoc J. P. & R. D. petunt Judicium suum in premissis Ac quod ipsi de dictis xv l. in Obligac. pred. spec. & de qualibet inde parcell. erga dictam Dominam Reginam exoneretur Ac quod pred. obligatio cancelletur & eis deliberetur juxta tenorem brveis pred. Super quo Visis premissis per Barones hic habitaque matura deliberatione inde inter eosdem Conf. est per eosdem Barones quod pred. R. P. & J. D. de dictis xv l. in Obligac. spec. & qualibet inde parcell. erga dictam Dominam Reginam exoneretur Ac quod dicta obl. cancelletur & eis deliberetur pretextu premissorum.

Per Mich. Record. anno xxx^o Reginæ Elizabethæ R^o 608.

Nisi prius in Dunelm.

Ideo fiat inde Inquisitio Et quia exit. pred. superius pro pred. terr. in L. junct. per homines de Vicinet. de L. pred. in pred. Com. Dunelm. ubi breve Domine Regine non currit & non alibi triari debet Ideo quoad triand. exit. ill. tenor Record. pred. mandetur Canc. Epat. Dunelm. sede Epatus ibidem vacan. & ipse

K k 3

ulterius

ulterius mand. Justic. infra libertat. ill. tenor. ejusdem Record. Ita quod illi habeant ad prox. Cur. apud Dunelm. in Com. Dunelm. postquam idem Record. sibi deliberat. fuit. ad verificationem Exit. pred. ibidem faciend. prout lex suadebit. in ea parte Et idem dies dat. est prefat. R. G. quod tunc ibidem, &c. Et cum verificatio Exit. illius ibidem fact. & triat. fuit. quod tunc pred. Cancellar. tenor. record. pred. cum toto eo quod in ea parte fact. fuit. Baronibus hic mittat ad certum diem quem iidem Justiciar. infra Libertat. pred. pref. R. G. in eadem Cur. hic prefig. ad audiend. inde Judicium suum, &c. Quiquidem Justiciar. coram quibus, &c. prefig. diem eidem R. G. essendi hic in octabis Sancti Michaelis anno, &c. Ad audiend. Judicium suum Ad quem diem idem R. G. ven. in propria persona sua Et prefat. Canc. Epatus Dunelm. misit hic tenor. Record. pred. sibi in forma pred. direct. qui est int. Inquisition' & extent. &c.

Record. pro solution. Monet. secundum provision. script.

Memorand. qd. D. B. Ar. ven' coram Baronibus hujus Scaccarii xxij. die J. hoc Termino in propria persona sua Et exhibuit Cur. alt. part. cujusdam Indentur.
int.

int. Dominam Reginam ex una parte & ipsum R. G. ex altera parte fact. petens ill. pro commodo Regine irrotulari preceper. Cujusquidem Indentur. tenor sequitur in hæc verba ff. **This Indenture**, &c. Et super hoc pred. R. B. presens hic in Cur. in propria persona sua dicit se velle contentare & solvere Domine Regine nunc ad Recept. hujus Scaccarii pred. summam quinque solid. legalis monet. Angliæ in provisione Indentur. pred. mentionat. juxta formam & intenc. ejusdem provisionis Super quo visis audit. & intellect. premissis per Barones hic habitaq; matura deliberatione inde inter eosdem Considerat. est inter eosdem Barones quod pred. R. B. de eisdem quinque solid. erga dictam Dominam Reginam nunc exoneretur Et dictum est ei quod eos solvat in forma predicta Et postea scilicet tercio die Februarii hoc Terminò prefat. R. B. eandem sum. vs. ad Receptum hujus Scaccarii ad usum dicte Domine Regine bene & fideliter persolvit prout per tall. levat. eodem die Cur. hic ostens. plenius apparet Et quietus est de eisdem prout in Magno Rotulo hujus Scaccarii de dicto anno, &c. in Custod. Clerici Pipe ibidem remanen. inter al. plenius apparet.

Moratur in lege super Information.

Quia protestand. quod Informatio pred. ac Materia in eadem content. & spec. minus sufficien. in lege existunt ad onerand. ipsum A. B. de aut cum aliqua penalitat. sive forisfactur. in Information. pred. spec. per ipsum superius fieri supposit. contra formam Statut. pred. unde ob insufficienc' ejusdem Informationis idem A. B. pet. Judicium Ac quod ipse quoad premissa ab hac Cur. dimittatur.

Finis supposit. obligat.

A. B. &c. coram Baronibus hujus Scaccarii x. die N. in propriis person. suis Et fecerunt finem cum Domina Regina ut parcatur mis. & expens. suis quæ ipsi sustinent. sunt circa captionem cujusdam Inquisitionis inter Dominam Regnam & ipsos A. B. &c. capiend. annotat. alibi in hiis Memorand. viz. inter Record. de hoc Termino R^o &c. ex parte hujus Remem^rator. in quodam processu tangen. quoddam script. obligat. &c. dat. &c. in quo pred. A. B. &c. tenebantur dicte Domine Regine in Centum Marcis pro discarcatione apud F. extra quandam navem vocat. &c. unde quidam C. D. fuit sub Deo Magr. xx. quarter. tritici

tritici per sex libr. quæ sunt in manibus suis propriis unde iidem A. B. &c. sunt inde Domine Regine responsur.

Habeas Corpus.

Memorand. quod breve Dom. Regis nunc sub sigillo hujus Scaccarii per considerationem Baron. hic eman. in hæc verba ff. Elizabeth. &c. Fanlhawe, &c. Ad quem diem A. B. & C. D. Vic. Civitatis pred. retorn. breve pred. indors. sic, &c. Executio, &c. Et tenor scedul. pred. sequitur in hæc verba ff. &c. sicut in brevi pred. & in scedul. eidem Brevi annex. quæ sunt in Ligula brevium execut. pro Regina ac al. de hoc anno ex part. hujus Remem'at. plenius continetur Po- stea scil. decimo quinto die J. &c. pred. J. L. ductus ad Barram fatetur se debere Domine Regine x l. pred. quadragint. libr. in brevi pred. mentionat. & eas parat. non habere solvend. &c. Et Ideo committitur prisone de le Fleet pro deb. pred. ibidem remansur. quousque, &c. ac in executione pro eodem deb. ad sect. Domine Regine ac pro deb. recuperat. super ipsum ad sectam partium. &c.

Et

Nichil dic. pro defectu Rejungen.

Et quia pred. M. W. non est plenar. advisat. ad presens ad rejuhend. in premissis pet. ex gratia Cur. diem sibi dari citra quem, &c. quod ei concess. est Et super hoc datus est dies hic eidem M. W. eodem statu quo nunc usque, &c. ad quem diem M. W. licet plur. & solemniter hic in Cur. vocat. & exact. non venit sed default. fecit. nec aliquid dic. ad manutend. placitum suum pred. nec in Barr. pred. replicat pifat. Attorn. Domine Regine General. Super quo visis premiss. per Baron. hic habitaque matura deliberatione inde inter eosdem Considerat. est per eosdem Barones quod pifat. Barones fier. fac. sum. 300*l.* legalis mone-te Angliæ (viz.) pro qualibet, &c. Et quod pred. Domina Regina & pred. *H. B.* qui tam, &c. recuperent versus pred. M. W. 150*l.* de una Medietate summ. pred. erga pred. Dominam Reginam nunc exoneretur & ei inde non satisfaciatur Quodque idem M. W. de al. 150*l.* de altera medietate pred. summe 300*l.* erga pifat. *H. B.* oneretur, & ei inde sibi forisfac. Et quod ipse idem *H. B.* eisdem 150*l.* pro medietate sua forisfacturarum pred. ad usum suum propr' habeat pretext. Statut. pred. & ceterorum premissorum.

Mora-

*Maratur in lege super placit' ad debit'
assign'.*

Et F. B. Miles Attornatus dicti Domini Regis nunc general' & un' de privato Consilio qui pro eodem Domino Rege sequitur presens hic in Curia ad eund' diem in propria persona sua protestando non cognoscendo aliquid per pref. A. C. in barra assign' & script. obl. pred. superius placitat. fore verum pro Replicatione idem Attorn. Dom' Regis pro eodem Domino Rege dic. quod pred. placitum pred. A. C. per ipsum in forma pred. placitat. ac materia in eodem content. minus sufficiens in lege existunt, ad ipsum exonerand. de pred. script. obligat. & summ. 120 l. in eodem content. & spec. unde ob insufficienc. ejusd' placiti idem Attorn. Domini Regis pro eodem Domino Rege petit judicium in premissis, quodque de pred. 120 l. super script. obligat. pred. debit. pro dicto Domino Rege fiet executio.

Sacrm.

Sacrm. Clericorum. admiss. in Officio
Remem'at. Regis in Scaccario.

You shall truly and diligently behave your self as a Clerk of this Office under the Master of the same for the time being in all that to you as Clerk of the same Office doth appertain. Ye shall not raze or imbezell, neither assent nor consent to the razing or the imbezeling of any Proceſs or Record of this Court, nor of any Writ or Return of Writ, neither of any command or precept to this Court directed, or to be directed, to the prejudice of the King, or any other person, and if you shall hereafter know of any thing done or imagined to the hurt of the Master of the said Office for the time being, you shall acquaint him thereof with all speed convenient, and occupy your self for the furtherance of the business concerning this Office, according to your knowledge and power. So help you God &c.

Mora in Lege Attorn. General. ad placit.

A. B. in Exoneratione Obligationis.

Et H. Y. Miles Attornatus Domini Regis nunc General. qui pro eod. Domino, &c. persona sua protestando & non cognoscendo aliquid in placito predicto

dicto A. B. per ipsum in modo & forma
pred. superius placitat. fore verum pro
replicatione tamen idem Attorn. Domi-
ni Regis pro eodem Domino Rege dic.
quod pred. placitum pred. A. B. per ip-
sum modo & forma pred. superius pla-
citat. minus sufficien. sit in lege ad ex-
onerand. ipsum A. B. cum solucon. pred.
cent. libr. in pred. Script. obl. mentionat.
& spec. sive alicujus inde parcell. unde
ob insufficienc' placiti sive respons. pred.
A. B. idem Attorn. dicti Domini Regis
pro eodem Domino Rege versus ipsum
pet. Judicium. &c.

*Rejunctio Defend. super Moratur. in
lege Attorn. General.*

Et modo pred. A. B. ex quo ipse suf-
ficien. materiam in lege ad pefat. At-
torn. Domini Regis pro eodem Rege ab
executione sua versus eum habend. &
precludend. superius allegavit quam ipse
paratus est verificare Quam quidem ma-
teriam pred Attorn. dicti Domini Regis
pro eodem Domino Rege non dedit nec
ad eam aliquammodo respond. sed verificac'
ill. omnino recusat ut prius pet. judicium
Et qd. idem Attorn. dicti Dom. Regis
pro eodem Domino Rege ab eadem Exe-
cutione sua pred. versus eum habend. pre-
cludetur, Ideo, &c.

Judi-

Judicium revers. per Errorem.

Et super hoc scil. decimo die 7. anno Regni Domini Regis nunc decimo quarto dictus Dominus Rex mandavit hic breve suum sub Sigill^o suo magno Cujusquidem brevis tenor sequitur in hec verba ff. Jacobus, &c. ff. Et quia p^{re}fat. Custos Magni Sigilli Anglie & Dominus Thes. Anglie voluit advisari in premissis antequam ulterius, &c. Considerat. est quod Capital. Justic. utriusque Banci considerent de Errore p^{re}dict^o Et quod p^{re}dict. Attorn^{us} Domini Regis General. informetur eis de eo quod potest ad manutenend. Judicium & dies dat^{us} est hic p^{re}fat^{us} A. B. & Justic^{us} ad liberand. opiniones suas usque, &c. Ad quem diem p^{re}dict. Custos Magni Sigilli & Dominus Thes. vener^{unt} & partes. &c. silit^{ur} &c. Et p^{re}dict. Justiciar^{um} silit^{ur} vener^{unt} & Barones tunc ibidem reddider^{unt} rationes & informationes suas de judicio suo in premissis reddit^{ur} & auditis eorum hinc & inde rationibus cum plena & sollicita diligentia in presentia p^{re}dict. Justic^{orum} de utroque Banco & al. de Consilio ad hoc specialit^{er} vocat^{us} Quia inspect^{us} & examinat^{us} Record. p^{re}dict. invenitur quod in Rec^{ordis} & Process. ac judicio inde reddit^{ur} manifest. est errat. Ideo consideratum est quod p^{re}dict. judic. revocetur

Pleadings in the Exchequer.

511

vocetur & adnulletur & nullius sit vi-
goris, &c.

*Attorn. Regis Moratur in lege super
placitum Defend. ad intrus.*

Et pred. Attorn. Domini Regis pro
eodem Domino Rege dic. quod placitum
pred. A. B. per ipsum modo & forma
pred. superius placitat. minus sufficiens
est in lege ad excludend. dictum Domi-
num Regem à possessione sua pred. Messu-
ag' in dicta informac' spec. aut alicujus
inde parcel. Ad quod quidem placitum
idem Attorn' Domini Regis pro eodem
Domino Rege necesse non habet nec per
legem terre tenetur respondere unde ob
insufficienc. ejusdem placiti idem Attorn.
Domini Regis pro eodem Domino Re-
ge pet. judicium Ac quod pred A. B.
de intrac. intrus. & ingress. predict.
convincatur ac a possessione sua dicti
Messuagii cum pertin. in dicta Informa-
tione spec. amoveatur, &c.

Rejunctio Def. ad Moram in Lege.

Et pred. A. B. dicit quod ipse suffici-
en. Materiam in lege ad excludend. pred.
Dominum Regem nunc a possession. pred.
Messuagii cum pertin. in dicta Informa-
tione spec. & conjunctibet inde parcell. su-
peri-

perius in barr' & preclusion' ejusdem Informationis allegavit quam ipse paratus est verificare quam quidem materiam pred' Attorn' Dom' Regis pro eodem Domino Rege non dedicit nec ad eam aliquammodo pro dicto Domino Rege respond' sed verificacion' ill' admittere omnino recusat ut prius petit judic' Quodque ipse quoad premiss. ab hac Cur' dimittatur Ideo, &c. Et quia Cur' vult advisari de judicio inde reddend' antequam ulterius, &c. datus est dies, &c.

Judicium super Morat' in Lege.

Et visis premissis per Barones hic habitaque matura deliberatione inde inter eosdem Quia videbitur eisdem Baron' quod placitum pred' A. B. per ipsum modo & forma placitat' ac mater' in eodem content' minus sufficien' in lege existunt ad excludend' dictum Dominum Regem a possessione sua pred' Messuag' cum pertin' in dicta Informatione spec' aut alicujus inde parcell' Considerat' est per eosdem Barones quod dictus A. B. de intracione intrusionem ingressu transgress. & contempt' pred' convincatur ac a possessione sua pred' Messuag' cum pertin' amoveatur.

Et

*Executio super Moratur in Lege & Def.
committitur Prison. de le Fleet pro con-
tempt. suo & fecit finem.*

Et quia pred. A. B. super hujus Judicii reddition. ad dict. Octab. Sti' Michaelis pluries & solempniter hic in Cur. vocat. & exact. ad faciend. & recipiend. in premissis quod Cur. &c. non ven. sed default. fecit Ac quod pred. C. D. E. F. similiter plur. exact. ad ipsum A. producend. prout superius manuceperunt eum non produxer. considerat. est quod tam prefat. A. B. qm' pred. Manuaptor. sui attachientur per corpora sua ubicunque, &c. dictus (viz.) A. B. ad respondend. dicto Domino Regi de transgressione pred. unde, &c. quia ipsi dictum A. B. coram Baron. hic per Judicium pred. non habuer. prout superius manuceper. Et ad ulterius recipiend. in premissis quod Cur. &c. Et precept. est Vic. Kanc. pred. quod ipsos A. B. C. D. & E. F. attach. in forma predict. Ita, &c. Ad quem diem Vic. viz. G. H. retorn. brevi pred. in forma pred ei direct' indorsat' sic, ff. &c. Sicut continetur in indors. brevis pred. quod est in ligula brevium execut' pro Rege de hoc Anno in Kanc' Et pred' A. B. ad pred. Octab' Sancti Michaelis non ven' Ideo

L 1

versus

versus ipsum fiet ulterior executio sicut continetur in ligula brevium de anno sequen. Kanc. Et pred. A. B. ad Barr. hic duct. ad dict. octab. Sancti Michaelis per pred. Vic. pro premissis committitur Prison. de le Fleet ibidem moratur &c. Et incontinenter eodem die idem C. D. hic ad Barr. per Gardian. Prison. pred. duct. petit se ex gra. Cur. ad rationabil. finem cum Domino Rege pro contempt. suo pred. admitti eo viz. quod ipse pred. C. D. super Judic. suum pred. non produxit prout superius manucepit Quod tunc ibidem per Cur. Conces. fuit Et super hoc idem C. D. fecit finem cum dicto Domino Rege pro contempt. suo pred. sicut continetur alibi in Memorand. hujus Scaccarii de hoc anno (viz.) inter fines de Termino Sancti Michaelis anno, &c. ex parte hujus Remem'at. Cujusquidem pretextu pred. C. à Prisona pred. deliberatur.

Nichil capiatur super verediēt.

Et super hoc pred. Attorn. Domine Regine nunc general. qui pro eadem Domina Regina sequitur presens hic in Cur. ad eundem diem in propria persona sua pro eadem Domina Regina pet. Judicium in premissis Et Cur. vult advisari in premissis antequam, &c. dat. est
dies

dies hic prefat. E. J. eodem statu quo nunc usque, &c. Ad quem diem Idem T. venit hic ut prius & dicit quod Cur. hic Judic. super veredictum pred. reddere non debet ob Insufficien. Informac. pred. pro his diversis causis sequent. viz. Exceptions, &c. ob quasquidem causas ex parte pred. T. J. pro deficient. & insufficien. Information. pred. manifeste proposuit. & object. idem E. J. petit ex gra. Cur. de Judicio inde respectuand. Et quia Cur. vult advisari in premissis antequam ulterius, &c. dat est dies hic prefat. E. J. eodem statu quo nunc usque Oct. &c. Ad quem diem idem E. ven. hic in propria persona sua & visis Except. pred. & ceteris premissis per Baron. hic habita matura deliberatione inde inter eosdem Conf. est per eosdem Barones quod predicta Domina Regina nunc & prefat. E. F. qui tam, &c. nichil capiant per Information. pred. quodque idem J. E. quoad premiss. eat ad presens sine die salvo semper, &c.

Nichil Dic.

Super quo Considerat. est quod mandetur prefat. A. B. per breve Dom. Regis sub sigillo hujus Scaccarii essendi hic, &c. ad respondend. in premissis Et hoc subpœna C. l. quas, &c. si non, &c. Et preceptum est eidem A. B. in forma predicta Ita, &c. Crastino, &c. Ad quem diem idem J. B. ven. hic per A. B. Attorn. suum & pet. audit. dicte Informationis & ei legitur Qua lecta audita & per ipsum intellecta Quia non est plenar. advifat. ad presens ad respondend. in premissis pet. ex gra. Cur. diem sibi dari circa quem, &c. quod ei per Cur. hic concessum est Et super hoc dat. est dies hic prefat. A. B. eodem statu quo nunc usque A. die, &c. Ad quem diem idem A. B. ven. hic ut prius & nihil dicit in barram aut preclusion. Information. pred. vel ad ipsum de penalitat. five forisfactur. pred. aut alicujus inde parcell. exonerand. Ideo considerat. est, &c. hic in Cur. plenar. & solempnit. voc. &c. non ven. nec aliquid dixit in barr. five preclus. in Informac. pred. spec. sed inde default. fecit Super quo visis premissis per Barones hic habitaq; inde matura deliberac. inde inter eosdem Conf. est per eosdem Barones quod pred. A. B. de, &c. de una Medietate Bon. pred. er-

Pleadings in the Exchequer.

517

ga dictum Dominum Regem oneretur & ei inde satisfac. pretexto premis. Quodque idem A. B. de &c. de altera parte medietat. forisfact. pred. erga pred. C. B. oneretur & ei inde satisfac. pretexto premissorum, &c.

Exit. triand. in Com. Cestr.

Et pred. Attorn. Dom. Regis General. pro Domino Rege silit. pet. quod inquiratur per Patriam Ideo fiat inde Inquisic. Et quia locus ubi Exit. junct. exist. est infra Com. Palatin' Cestr. Et homines ejusdem Com. extra Com. ill. ad aliquos Exit. in eodem Com. junct. triand. venire non deb. nec soleb. Considerat. est quod Mandetur Justiciar. Dom. Regis Com. Pallatin' pred. sive ejus locum tenen. ibidem quod ipse per breve dicti Dom. Regis dicti Com. Cestr. Vic. Com. illius precipiat quod venire &c. coram eodem Justic. sive ejus locum tenen. ibidem apud Cestr. ad certum diem per ipsum Justiciar. sive ejus locum tenen. ibidem presigend. xij. tam Mil. &c. de Balliva sua de visu' de C. pred. quorum quilibet, &c. per quos, &c. Et qui, &c. A. B. nulla affinitate se attingunt ad recognoscend. in premissis Et quod Inquis. inde capt. &c. Et quicquid in premissis fecerit Idem. Justiciar. sive ejus locum tenen. ibidem

L 1 3

Baron.

Baron. hic sub sigillo suo certificet, &c.
Et mandat. &c.

*Ubi Attorn. Domini Regis facit confess.
postquam exit. ad priam. junct. sit
& Nisi prius exivit.*

Ad audiend. Judicium suum si, &c. Ad quem diem prefat. A. B. ven. hic ut prius Et pred. Capitalis Baro coram quo, &c. non misit hic tenor Record. pred. nec Jurat. vener. Ideo Precept. est vic. quod ipsos Juratores distring. ut prius, &c. Ita, &c. In Crastino Purificationis beate Mariæ Virginis Et idem dies dat. est hic prefat. A. B. Ad quem diem idem A. B. ven. hic ut prius Et H. H. Mil. Attorn. &c. qui pro Domino Rege sequitur prefens hic in Cur. ad eundem diem in propria persona sua & per Baron. hic allocut. & requisit. si ipse ulterius in premissis versus prelet. A. B. pro dicto Domino Rege in premissis prosequi vellet. aut informar. potuisset relict. verification. exit. pred. superius ad priam. junct. dicit pro eo quod pred. A. B. quer. per quem Informac. pred. exhibit. fuit null. evidenc. sive probationes pro manifestatione hujus Informac. ei liberavit sive ex habuit quod ipse ulterius in premissis versus prefat. A. B. pro dicto Domino Rege in premissis prosequi non vult.

Re-

Relaxatio part. Pension. Regine Eliz.

Memorand. quod P.P. de T in Com. T.
Clericus ven. coram Baronibus hujus Scac-
carii secundo die M. hoc Termino in pro-
pr. persona sua Et exhibuit Cur. hic ad
usum Domine Regine quoddam scriptum
sigillo ipsius P. sigillat. cujusquidem script.
tenor sequitur in hæc verba ff. **To all
true Christian People to whom this
present writing shall come, P. P. of
T. in the County of T. Clerk, sen-
deth greeting. Know ye, that I the
said P. for and in consideration of a
competent benefice unto me the said
P. by our most gracious Sovereign
Lady Queen Elizabeth given and
granted, Have remised and relea-
sed, and by these presents doe remise,
give and release unto our said Lady
the Queen her Highness heirs and
successors l. s. of lawfull money of
England, being parcell of one yearly
Annuity or Pension of five pounds
given and granted unto me the said
P. by our late Sovereign Lord of
famous Memory King Edward the
Sixth, by his Letters Pattents, as
by the same more plainly doth appear.
In witness whereof I the said P. to
these Presents have put my Seal
the**

the second day of May, in the first year of the Reign of our said Sovereign Lady Elizabeth by the grace of God of England, France and Ireland Queen, Defendor of the Faith, &c. Et pred. P. P. adtunc presens hic in Cur. faterur script. predict. fore factum suum, &c.

Attorn. General. Replicat ad priorem informac. & dic. quod Informae. fuit exhibit. per fraud. & covinam.

Et pred. H. Y. Mil. Attorn. dict. Dom. Regis nunc General. qui pro eodem Domino Rege sequitur presens hic in Cur. ad eundem diem in propria persona sua protestando & non cognoscend. aliquid in placito predict. E. A. & R. S. per ipsos modo & forma pred. placitat. fore verum Pro Replicatione tamen pro eodem Domino Rege & prefat. J. B. qui tam, &c. idem Attorn. Domini Regis nunc general. dic. quod dictus Dominus Rex nunc & prefat. J. B. qui tam, &c. à penalitat. & forisfactur. in Informatione pred. per prefat. J. B. in forma pred. exhibit. spec. versus prefat. E. A. & R. S. recuperand. per aliquod in placito pred. superius allegat. precludi non debent Quia dicit quod dicta Informatio per predict. W. W. hic in Cur. in forma

forma pred. exhibit. exhibit. fuit per ipsum W. W. vers. prefat. E. A. & R. S. per fraudem & covinā inter ipsos E. A. & R. S. & prefat. W. W. apud Westm. pred. in Com. Midd. prehab. ad defraudend. dict. Dom. Regem nunc & quamcunque al. personam qui tam pro Domino Rege qm' pro seipso in ea parte prosequeretur de penalitat. & forisfactur. in Informac. prefat. J. B. superius spec. versus ipsos E. A. & R. S. pro offens. in eadem Informac. mentionat. recuperand. Et hoc idem Attorn. Dom. Regis pro eodem Domino Rege & prefat. J. B. qui tam, &c. parat. est verificare prout Cur. &c. unde pet. Judicium Ac quod prefat. E. A. & R. S. de penalitat. & forisfactur. in Informatione pred. per prefat. J. B. in forma pred. exhibit. vincatur.

H. Yelverton 19. Maii 1680.

Rejunctio ad Replicationem Attorn. General.

Et pred. J. B. réjung. dicit ut prius dixerit quod dictus Dominus Rex nunc aut pred. R. B. qui tam &c. à penalitat. & forisfactur. in informatione pred. per prefat. R. B. qui tam &c. à penalitat. & forisfact. in informatione pred. per prefat. R. B. in forma pred. exhibit. spec. versus ipsum J. B. recuperand. ob causas in placit.

placit. pred. superius allegat. precludi non debet. Quia dic. quod pred. Informatio per prefat. R. B. in Cur. dict. Dom. Regis de Banco apud Westm. in forma pred. exhibit. exhibit. fuit bona fide Absque hoc quod fuit exhibit. per prefat. R. B. versus pred. J. B. per fraudem & covin. int. ipsum J. B. & prefat. R. B. prehabuit. ad defraud. dict. Dominum Regem aut al. qui tam pro Domino Rege qm' pro seipso in ea parte sequeretur de penalitat. & forisfact. versus ipsum J. B. pro offens. in eadem Informatione mentionat. recuperand. modo & forma prout per pred. Attorn. dict. Dom. Regis in replicatione sua pred. pro eodem Domino Rege allegavit Et de hoc idem Johannes Birch ponit se super Priam'.

Placit. non ven. ad manus modo & forma.

Et modo scilicet, &c. pro placito tam idem A. B. dic. quod bona pred. indicta Informatione spec. ad manus suos non deven. modo & forma prout per Informat. pred. superius supponitur Et de hoc pon. se super Priam. & quia D. est alienigen. nat. (viz.) apud S. in partibus transmarinis petit medietat. linguæ juxta formam Statuti in hujusmodi casu edit. & provis. quorum quilibet, &c. & quorum

rum un. Medietas de person. alienigen. per quos, &c.

Placit. de Misnosmer.

Et modo scilicet, &c. pro placit. tamen quod non est nec esse intelligi potest eadem persona versus quam Informac. pred. exhibit. fuit quia dic quod ipse nominatur & vocatur J. D. & per idem nomen & cognomen semper à tempore Nativitatis suæ hucusque nominatus & vocatus fuit Absq; hoc qd. ipse nominatur & vocatur J. D. seu per idem nomen & cognomen unquam cognit. & vocatus fuit modo & forma prout per Informac. pred. superius supponitur Et hoc paratus est, &c.

Warr. pro decem tales per Sollicit. General.

T. C. Miles Soll. Dom. Regis General. officium & locum Attorn. General. dict. Dom. Regis virtute literarum Paten. ejusdem Dom. Regis sub Magno sigillo Angliæ exercens qui pro Domino Rege sequitur petit quod concedantur decem tales de circumstantibus inter Dominum Regem & S. M. vid. per Pasche Record. anno xviii. Regni Regis nunc Jacobi R^o &c. pro debito super script. obligat.

T. C.

Vic.

Vic. amerciat. pro non attendane.

Memorand. quod T. C. Ar. Vic. Com. Oxon. summonit. fuit sicut omnes al. Vic. per publicam Summonicon. in scriptis affix. super quendam postem hic in Cur. in conspectu omnium pro noticia inde habend. ad attend. & essend. coram Baronibus hujus Scaccarii hic in Cur. Jovis prox. post tres Michaelis hoc Termino opponend. super brevibus ei direct. ad diem pred. retorn. ea intentione ut ipse super veritat. & sufficien. retorn. suis examinaretur & ea manuteneret in casu quo, &c. Et ulterius ad faciend. & recipiend. superinde quod prefat. Baron. in ea parte de eo cons. Sed ad diem illum non ven. nec intendit sed defalt. fecit in contemptum Dom. Regis nunc & hujus Cur. Ideo idem Vic. (viz.) T. C. in mia. & afforatur per Barones ad xl.

Vic. onerat. cum Exit. terr. super Levare facias.

Memorand. quod cum T. W. per scriptum suum obligat. geren. dat. &c. Angliæ Cumq; A. C. Barr. nuper Vic. Com. Buk. virtute brevis dicti Dom. Regis de extend. sub. sigil. hujus Scac. direct. vers. pred. T. W. xvj. die Octobris anno regni dict. Dom.

Dom. Regis nunc xxj. ceperit & seifiri fecerit in manus ipsius Dom. Regis unum Messuagium, &c de terr. dict. T. W. Cumq; precept. fuit Vic. dict. Com. Buk. per breve dict. Dom. Regis sub sigillo Scaccarii pred. quod non omitt. &c. (ut in brevi usq; retorn.) In Craſtinoq Animarum hoc Termino Cur. Scaccarii pred. tunc ibidem solvend. prout in eodem brevi plenius continetur Ad quem diem J. T. Ar. Vic. Com. pred. retorn. breve pred. indorf. sic ff. virtute, &c. sicut per breve pred. & retorn. ejusdem quæ sunt in ligula brevium execut. pro dicto Domino Rege de hoc Termino Ex parte hujus Remem'atoris plenius apparet Super quo Vis. retorn. brevis pred. & ceteris premissis per Barones hic habitaque matura deliberatione inde inter eosdem Considerat. est per eosdem Barones quod pred. J. T. Vic. antedictus de pred. summa Cl. per ipsum in forma pred. levat. de exit. & proficius terris & ten. pred. erga dict. Dom. Regem oneretur & ei inde satisfaciet. pretext. Retorn. sui pred. & ceterorum premissorum.

Vic.

Vic. amerciat. quia non solvit Exit in Scedul.

Memorand. quod cum Termino Sancti Hillarii ult. preterit. pro meliori expedition. habend. ad usum Domini Regis de quibusdam denar. summis provenien. de Exit. & profic. divers. terr. & ten. in manus dicti Domini Regis per diversos Vic. Com. pred. capt. & feisit. & de A. & C. intimatum fuit Vic. Com. pred. per quasdam Scedul. pargamen. continen. terr. & ten. seferral. person. pred. unacum seferral. reddit. & annual. valor. terr. & ten. pred. eidem Vic. mis. sub sigillo hujus Scaccarii unacum brevibus dicti Domini Regis eodem Termino eidem Vic. direct. pro dicto Domino Rege extra Offic. hujus Remem'ator. super eandem filac. emanen. Et alit. mandat. fuit Vic. Com. pred. per Cur. hic quod ipse idem Vic. virtute & secundum exigenc. Officii sui respondere debet ad hoc Scaccarii hoc Termino ad usum dicti Domini Regis reddit. & exit. terr. & ten. pred. (viz.) reddit. earundem terr. pro dimid. anni finit. ad festum Annunciationis beatæ Mariæ Virginis pro hujusmodi eorundem terr. & ten. pro quibus non respondisset unam Medietat. pro

pro dimid. anni finit. ante emanacō.
Scedul. pred. vel pro rata temporis in-
ter dies capcon. eorundem & festum
pred. tant. modo respondere debet Et
postea ad diem retorn. brevium pred.
scilicet à die Pasche in tres septimanas
hoc Termino Vic. (viz.) C. B. Ar. retorn.
brevia & scedul. pred. quæ sunt in li-
gula brevium execut. pro Rege de hoc
Termino ex parte hujus Remem'atoris
in Devon. Et quia idem Vic. de reddit.
exit. & profic. terr. & ten. pred. A
(scilicet) summam xx l. non solvit nec
resid. denar. summas de Exit. & profic.
terr. & ten. pred. ceter. person. in
Recept. Scaccarii Domini Regis nunc
apud Westm. ad dict. tres Pasche aut
aliquo tempore ante finem ejusdem Ter-
mini minime solvit contra exigenc. of-
ficii sui Ad dampn. dicti Domini Regis
nunc non modicum & in ejusdem Do-
mini Regis & hujus Cur. contempt. ma-
nifest. Ideo idem Vic. (viz.) prefat.
C. B. in mia' & afforatur per Baron.
ad decem libr.

Fines super Informac. super penal' Statut'

A. B. onerat. pro fine secum fact' ut percatur misis & expensis suis quæ ipse sustentur' sit circa caption' cujusdam Inquisitionis inter dict' Dom' Regem & præfat. A. B. capiend. in quodam processu super quandam Information' versus ipsum nuper exhibit. coram Baron. hujus Scaccarii per R. W. tangen' parcell. vin. forisfac. ad ejus man. devenien. annotat. alibi in Memorand. hujus Scaccarii de Anno regni dicti Domini Regis nunc Car' secund. xxix. viz. int' Rotula de Termino sancti Michaelis Rot. Ex parte hujus Rememorat' super ipsum assessat. prætextu brevis dicti Dom' Regis de Pri' sig. Thes. Cancellar' & Baron. hujus Scaccarii & allis direct'.

Compositio super Sacrament' L. li.

Fines super seifur.

A. B. gen. claman. proprietat. quatuor pec' Stuffur. & T. J. certis de causis tanquam forisfac. seifit. & arrellat. ad se pertinere pro fine &c. (ut supra) tangen Seizur' bon. præd. &c. (ut supra.)

Compositio super sacrm 14. li.

Appreciamen. bon. 12. li.

forma

Forma Irr. *Adhuc fines Manu capt. dies*
finium. *dat. Attorn. respecti. & versis*
adhuc Rotulis de Termino
sancti Trin. Anno xxix. Reg. R.
Car. II.

Memorand. quod A. B. Mercat. ven' coram Baronibus hujus Scaccarii in Crastino sanctæ Trin. in propria persona sua Et fecit finem cum dicto Domino R. ut parcat &c. (usq; verbum) direct' pro 7. li. quæ sunt in Man. suis Et unde idem A. B. est inde dicto Domino Regni nunc responsur'.

Conveiant. Rec. pro triatione ad barr'.

Et Venit fac. hic in Octabis sancti Hillarii xii. liberos & legales homines de Balliva sua de Vicinet. de S. in Com G. præd quorum quilibet &c. per quos &c. Et qui nec &c. ad recogn' in præmissis Et idem dies dat. est hic præfat. A. B. Ad quem diem A. B. ven. hic ut prius Et Vic. (viz. R. H. Ar. return. hic breve præd unacum pannello de nominibus Jur. eidem brevi confut. quæ sunt in lugilua brevium execut. pro dicto Dom Reg. & al. de Termino sancti Hillarii Anno 21 Regis hujus ex parte hujus Rememorator. in Glouc. Et Jur. non vener. Ideo quod præcept. est

M m

Vic.

Pleadings in the Exchequer.

Vic. quod ipsos Jur. distring. per terr. &c. Ita &c. 20. die Mensis Maii Et idem dies dat. est hic præfat. A. B. Ad quem &c. idem A. ven. hic ut prius Et Vic. (viz.) præfat. R. C. retorn. hic breve præd. & Mand. quod Jur. præd. districti sunt per terr. &c. unde Exit. &c.

Tales ad Barr.

Et Jur. non vener. Ideo præcept. est Vic. quod ipsos Jur. Distring. ut prius Ita &c. 27. die Mensis Maii Et quod preter Jur. præd. venir. fac. hic ad eundem diem decem tales probos & legales homines de Balliva sua de vicient. de S. præd. ad faciend. Jur. præd. ne Juram' ill. pro defect. Jur. reman. ulterius capiend. Et idem dies dat. &c. Ad quem &c. Et Vic. videlicet præfat. R. C. ad eundem diem retorn. breve præd. unacum Panello de nominibus Jur. præd. & nominibus Jur. de novo apposit. Et quoad Jur. prius impannellat' mandavit quod præd. Jur. districti sunt per terr. &c. Unde Exit. &c.

Triac' ad Assisas.

Et Venir. fac. hic &c. (ut in al.) Distring. per terr. &c. Ita &c. A die sancti Michaelis in tres Septiman. vel coram Dilectis & fidel. dicti Domini Regis Iustic. suis

fuis ad Affisas in Com. Glouc. præd. tenend. Assign. qui per literas dicti Domin. Regis nunc Paten. sub sigillo hujus Scaccarii assignantur ad Inquis. ill. ulterius capiend. apud Castrum Glouc. in Com. Glouc. die Lune acciden. vii. die Mensis Julii si prius tunc ibidem advenerint Et dict. est præfat. A. B. quod expectet diem suum cor. præfat. Justic. ad Affisas Et qd. sit hic ad dict. tres Michaelis Ad audiend. inde Judicium suum si &c. Ayloff

Triac. apud Westm.

Vel interim coram Dilecto & fidei dicti Domini Regis W. M. Capital. Baron. Scaccarii præd. apud Westm. in Com. Midd. in loco ubi Cur. ejusdem Scaccarii communiter ibidem custoditur die Jovis acciden. xx. die Mensis Maii circa hor. primam post meridiem ejusdem diei si prius tunc (ut supra mutatis Mutandis.)

Apud Guihald. Civitat. London. die Jovis &c. *Apud Guihald.*

Nisi prius super seizure.

Nisi prius inter Dom' Reg' nunc & A. B. claman. proprietat. parcell. Vin. Gallic' p T. B. tanqm' forisfact. seisit. per Michaelis Record. Anno xxix. Reg. Regis Car. secundi Ro. &c.

Warrant' pro decem tal.

J. W. Miles Attorn. Dom' Regis nunc Generalis pro eodem Domino Reg. pet. quod concedantur ei decem tales de circumstantibus inter dict' Dom. Regem &c. (ut in Warran.) pro Nisiprius.

Super Informac' personal.

Inter dictum Dominum Regem & A.B. super Informac' versus ipsum & C. D. nuper exhibit. pro bon. forisfac. ad ejus man' devenien' per Michaelis Record. &c.

Irrotulatio brevis de Errore post Judic. & Judic. affirmat.

Postea scilicet octavo die Julii anno regni dicti Dom' Regis nunc xxlii. Dominus Rex nunc Mand. hic breve suum Clausum sub magno sigillo &c. Thes. & Baron' hujus Scaccarii direct' cujus tenor sequitur in hæc verba ff. Carolus secundus &c. Ad quem diem Dominus Custos magni sigilli Angl. & Dom' Thes. & Capital. Justiciar. de utroq; Banco ven' & præd' J. B. ad eundem diem ven' & assign' errores quos allegavit in Recordo processu ac in redditione Judicii præd'

præd intervenisse in hæc verba ff.
(recite les errors) Super quo dies dat' est
hic præfat' J. B. qui sequitur &c. qm præ-
fat. H. F. Mil. Attorn. Domini Regis
General. præd' eodem statu quo nunc
coram dicto Domino custode Magni Si-
gilli Angliæ & præfat. Domino Thes.
Angliæ usq; diem Martis xx. diem Junii
(viz.) eidem Attorn' ad interloquend. &
tunc ad Errores præd' rejuvend' Ad
quem diem coram eisdem Domino Cu-
stode Magni Sigilli Angliæ & Domino
Thes. Angliæ ven' tam præfat. J. B. qui
sequitur &c. per Attorn' suum prædict.
qm prædict. J. F. Attorn. General' præd'
in propria persona sua Super quo præd'
J. B. petit quod præd. Attorn. General.
ad errores præd. rejuvat Et prædict.
Attorn' dict' Dom. Regis nunc General.
petit ulterius licentiam inde interloquend.
& ei conceditur Et super hoc dies dat'
&c. (imparlance ut supra) in propi per-
sona sua Et dicit quod Assignatio erro-
rum præd. in forma præd. assignat. minus
sufficien. in lege existit & quod ipse ad
Error. præd. in forma præd. assignat. necesse
non habet nec per legem terre tenetur re-
spondere Unde pro defect. sufficien. assign-
nac. Error' præd. idem Attorn. Dom. Regis
General. pet. Judic. si Cur. hic ad examinat.
errorum præd. in forma præd. assignat.
procedat Et idem Attorn. Dom. Reg. Ge-

neral. monstrat causas subsequen. (viz.) quod assignatio Errorum præd. in forma præd. fact. est duplex & assignatio errorū in lege est Error in facto & caret forma Et super hoc dat. est dies coram præfat. Dom. Custode Magni Sigilli Angliæ & præfat. Domino Thes. Angliæ præfat. J. B. qui sequitur &c. ac Moram in lege præd. re-jungend. usq; diem Martis x. diem Junii Ad quem diem ven. præd. Attorn. Dom. Regis General. in propr. persona sua Et præd. J. B. licet solempnit. exact. non venit sed default. fecit Ideo considerat. est quod dictus J. B. nil capiat per breve de Errore præd. sed quod Judicium præd. in omnibus affirmetur & suo Robore stet & effect. dictis Materiis superius pro erroribus assignat. in aliquo non obstant.

Record. recuperac' bon. forisfac.

Memorand. quod &c. (ut in Informac.) Super quo fac. Proclamac. pro dicto Domino Rege prout moris est si quis Cur. hic informar. vellet quare bon' præd. ob causas præd. tanquam forisfac. remanere non debent quod veniret & audiretur Et nullus ad hoc faciend. comparen. Considerat' est quod mandetur A. B. & P. W. per breve dicti Domini Regis sub sigillo hujus Scaccarii ad bon. præd. per sacrm. pbon & legalium hominum Com' Ranc. just

& fideliter. numerari & appreciari faciend; per Indentur. inde &c. Ita quod alteram partem Indentur præd. haberent hic &c. Cur. hic liberand. Et præcept' est eisdem A.B. & P. W. in forma præd. Ita &c. xxiii. die Octobris Ad quem diem præfat. A.B. & P. W. retorn. hic breve præd. unacum quadem Indentur. eidem brevi consuet. quæ sunt in ligula brevium execut. pro dicto Domino Rege de hoc Termino ex parte hujus Rememorator. Cujusquidem Indentur. tenor sequitur in hæc verba ff. This Indenture &c. Super quo fact. Proclamatione pro dicto Domino Rege (prout moris est) si quis Cur. hic informare vellet quare bon. præd. (ob causas præd.) tanquam forisfact. remanere non debent Ac si quis plus dare voluerit p eisdem quam ut superius appræciantur qd. veniret & audiretur & nullus ad hoc faciend. se obtulit Ideo cons. est per eosdem Barones quod bon. præd. ob causas præd. reman. forisfact. Ac quod præd. J. J. de 16. li. pro una Medietat. præcii sive valor. bonorum prædict. erga dictum Dom. Regem nunc oneretur & ei inde satisfaciatur Ita quod præd. J. J. habeat & penes se ad usum suum propr. retineat alterā inde medietatem Et inde erga dict. Domin. Regem exoneretur & Quiet. existat prætextu Act. præd. & ceterorum præmissorum.

*Exoneratio seizur. per confession. Attorn.
absq; placit'.*

Et super hoc ven' hic quidam A. B. Mercator Allen. per H. F. Attorn. suum & clamat proprietat. bon. præd. ad se pertinere Et petit audit. Informac' p'd' & ei legitur Quia non est plenar' advisatus ad præsens ad respond' in p'missis pet' ex gratia Cur. diem sibi dari citra quem &c. quod ei concessum est Et super hoc dat. est dies hic præfat' A. usq; diem Lune septimum diem Junii dicto Anno Domini Regis 26. Ad quem diem dictus A. venit hic ut prius Et W. J. Miles Attorn' (ut in Confession') Et super hoc idem N. B. pet. Judicium in præmissis Super quo visis præmissis per Barones hic habitaq; matura deliberatione inde inter eosdem considerat' est per Barones quod bon' præd' in Informac. præd. spec. præfat. A. B. deliberentur Quodq; ipse quoad præmissa eat ad præsens sine die salvo semper jure Domini Regis. si alias &c.

*Consimilis forma in non prof. Informac. sur
penal statut. Judicium pro def. & pro
Custag. Inform.*

Et super hoc præd. T. H. pet. Judici-
um in præmissis cum Custag' oneribus &
dampnis suis per ipsum in hac parte su-
sistent per Cur' hic assignand' juxta formam
Stat' de Anno decimo octavo dict. nuper
Reginæ Elizabethæ in hujusmodi casu
edit' & provis. Super quo visis veredict.
quæd' & cæteris præmissis per Barones hic
habitaque matura deliberatione inde int'
eisdem Cons. est per eosdem Barones qd'
præd' T. H. eat ad præsens sine die sal-
vo semper jure dict' Domini Regis si
alias &c. Quodq; præd. T. H. recuperet
versus T. B. qui tam pro Domino Rege
qm̃ pro seipso sequebatur summam octo
librarum pro Custag. oneribus & damp-
nis per ipsum in & circa præmiss. pd'
sustent. ei per Cur' hic adjudicat. juxta for-
mam Statut. præd. Ac quod præd. T.
B. de eisdem octo libris erga præfat. T.
H. oneretur & ei inde satisfaciat prætextu
Statut. præd. & cæterorum præmissorum,

Judicium

*Judicium pro agitan. curram mertinar.
absq; licenc'.*

Et super hoc præfat. R. J. qui tam &c. petit Judicium in præmissis sed quia Cur. hic advisari vult' de & in præmissis antequam Judicium suum inde reddant dat. est dies hic partibus prædictis eodem statu quo nunc usq; decimum diem Junii Ad quem diem partes præd. in forma præd' vener. (viz.) præfat. R. R. in propria persona sua Et præfat. A. B. per Attorn. suum præd. Et visis verediçt. & cæteris &c. Considerat. est per eisdem Baron. quod præd. A. B. de un. offens' parcell. viginti separal. offens. in Informatione prædict. specificat. convincatur Et pro un. offens. præd. forisfaciat 5. li. legalis monet. Angliæ Et quod præfat. A. B. de 50. s. p un' medietat. forisfactur' præd. erga dictos Commissionar. primo mentionat' oneretur & eis inde satisfaciat Quodq' præfat. J. B. de al. 50. s. pro altera medietat. forisfactur' præd. erga præd. R. R. similiter oneretur & ei inde forisfaciat prætextu Act' & verediçt. præd' & ceterorum præmissorum.

Bill. Anglic' & Diposilion' irrotulat'.

Compertum est inter Billas Anglic' in Comitatu Buk. de tempore Domini Regis nunc Caroli secundi numero xxxvj^o. in hoc Scaccario reman' & in Custodia hujus Rememorator' existen' in hæc verba, ff. Termino, &c. (ut in Bill' & respons.) Compertum est etiam quod breve Domini Regis Caroli secundi de Dedimus potestatem sub sigillo hujus Scaccarii per consideration' Baron' hic emanavit in hæc verba, ff. Carolus, &c. (ut in Commiss.) Ad quem diem Commissionar. præd' retorn' Commission' præd' indors. sic, ff. Executio, &c. Quarum quidem schedularum tenor sequitur in hæc verba, ff. Interrogator', &c. (ut in Interr' & Deposition') Compert' est etiam quod quædam depostio testis capt' fuit in causa præd' coram C. S. Armigero un' Baron' hujus Scaccarii super quibusdam Interr' ex parte præf. R. S. quær. versus præfat. M. B. def. Quarum quidem Interr' & Deposition' tenor sequitur in hæc verba, ff. Interr', &c.

Affidac'

Affidac' pro bon' deperdit'.

Memorand' quod A. B. de London' Mercat' Ind' venit, &c. *That whereas there were entred into the Custome-house of the Port of London in the name of this Deponent on or about the sixth of September last two Bales of Perpetuanes, &c. to be carried from the said Port of London in the Ship Constantine S. D. Master for Legorne in the parts beyond the Seas, Now this Deponent saith that the goods were the proper goods of this Deponent and the Customs and Duties due and payable to his Majesty for the same were duly paid as by the Entry thereof appeareth And this Deponent saith that the said Ship Constantine in her said intended voyage to Legorne was taken by the Dutch Men of War and the goods therein made Prize by the Enemy as this Deponent hath received undoubted intelligence and verily believeth And this Deponent hath not received neither doth expect to receive any benefit of the proceed of the said goods or any part thereof by any means directly or indirectly.*

Judic'

Judic' pro caption' terr' in man' Regis.

Conf. est per eosdem Barones quod prædicta tria tosta in Brevi prædicto & cætera præmissa in retorn' brevis præd' mentionat' in man' dicti Domini Regis nunc capiantur quousque, &c. de præd' 100 li. sibi satisfactum fuerit.

Irrotulus. Nonarum.

Compt' est inter particulas Computorum Assessorum Venditorum & Collectorum Non' Garbarum Vellerum & Agnorum Domino Regi Edvardo tertio concess. hic in hoc Scaccario reman' & in Custod' hujus Rememorat' ibidem exten' in hæc verba, ff. &c.

Retraxit super placit'.

Ad quem diem ven' præd. A. B. in onere præd' mentionat' per Attorn' suum præd' Et (relieta verificatione sua præd' per ipsum superius placitand. prætensa) dicit quod ipse non possit dedicere quin fatetur præd. bona & catt' in Scheda sive Indentura præd' spec' in man' dicti Domini
ni

ni Regis virtute brevis de onere præd' fore
 iuste capt' & seifit Et quod man' dicti
 Domini Regis à possessione sua inde amo-
 veri non debere Ideo consideratum est, &c.

*Demurr' Bill. Anglie. pro defectu men-
 tionand' quer. esse debitor' Regis.*

The Demurrer of F. S. &c.

*This Defendant by protestation not ac-
 knowledging any the matters or things in
 the said Bill of Complaint contained to be
 true in such sort manner and form as the
 same are therein laid down and declared
 saith that the said Bill and Matters therein
 contained are insufficient in the Law to be
 answered to by him this Defendant and that
 he this Defendant need not nor is bound by
 the Law of the Land or the Rules of this
 honourable Court any way to answer the
 same and for cause of Demurrer this De-
 fendant saith that this honourable Court
 being a Court of the Revenues of his Ma-
 jesty's Crown of England no person or per-
 sons can or ought to sue for any debt duty
 or thing whatsoever in this Court here un-
 less he she or they be Debtor or Debtors
 Accomptant or Accomptants to his Majesty
 in this Court and shew forth the same in
 and by his her or their Bill of Complaint ex-
 hibited*

*hibited in this honourable Court which the
said Complainant hath not done in this her
Bill wherefore this Defendant doth demurr
in Law to the said Bill and prayeth to be
dismissed with Costs.*

Vic' amerciat' pro non produc' corpus.

Memorand' quod præceptum fuit Vic'
Com. Leic. per breve Domini Regis nunc
sub sigillo hujus Scaccarii dat. xxviii^o
die Junii ult. præterit. quod non omitt,&c.
& attach. M. C. per corpus suum ubicunq;
eum inveniret in balliva sua & eum salvo
& secure custod. Ita quod haberet eum co-
ram Baronibus hujus Scaccarii A die,&c.
ad respondend' Domino Regi nunc de
diversis transgressionibus contemptis &
offensis per ipsum tunc nuper fact' & per-
petrat' Et haberet hic tunc breve præd.
Ad quem diem Vic' (videlicet) F. R. Mil.
retorn' breve præd' indors. sic, &c. virtu-
te, &c. sicut in brevi præd' & indorsam-
en' ejusdem quod est in ligula brevi-
um execut' pro Rege hoc Termino ex
parte hujus Rememorator' in Leic' plenius
continetur Super quo Visis retorn' præd.
per Baron' hic Quia præd. Vic' solemp-
niter & plur' hic in Cur' vocat' & tand em
xxv^o die Novembris hoc Termino ad
producend' corpus præd. M. C. Corpus ta-
men

men ipsius M. non produxit in contemptum hujus Curiae ac in favorem ejusdem M. ac ipsius Vic' sacri læsionem manifest' Ideo idem Vic' (viz.) p̄fat. F. R. Miles in Misericordia & afforatur per Barones ad xl s.

*Joynder in Demurr' al' Demurr'
Def. ad Scire Fac'.*

Et H. F. Miles Attorn' Domini Regis nunc General' qui pro, &c. p̄sens hic in Cur' ad eundem diem in propria persona sua pro eodem Domino Rege dic' quod dictus Dominus Rex nunc per aliqua per p̄fat. Johannem M. p̄allegat' ab executione sua versus ipsum habend' pro p̄dict' 500 li. in dicto brevi de Scire Fac' mentionat' excludi non debet Quia dic' quod breve de Scire Fac' p̄d' ac retorn' ejusdem materiaque in eisdem content' satis sufficien' in lege existunt ad onerand' ipsum J. M. de & cum solutione p̄d' summæ 500 li. in p̄d' brevi de Scire Fac' spec' & cujuslibet inde parcell' Quod quidem breve & retorn' ejusdem idem Attorn' Generalis parat' est verificare prout Cur', &c. Et quia p̄d. J. M. ad p̄d' breve de Scire Fac' & retorn' ejusdem materiamque in eisdem content' non respondet nec ill' hucusque aliququaliter dedicit

dedicit idem Attorn' General' pro eodem Domino Rege pet. Judicium ac quod pd. Dominus Rex habeat executionem suam vcrsus præfat. J. M. & præd. 500 *li.* in brevi de Scire Fac. prædict. mentionat. Ideo, &c.

*Replie. per Attorn. quod Conveyanc.
fact. fuit per fraudem & covinam.*

Et H. F. Miles Attorn. dicti Domini Regis nunc General. qui pro eodem Domino Rege sequitur præsens hic in Cur. ad eundem diem in propria persona sua protestando non cognoscendo aliquid in placito præd. E. B. per ipsum superius placitatum fore verum modo & forma prout præd. E. placitando allegavit (pro placito sive) replicac. tamen idem Attorn. dicti Domini Regis nunc Generalis dicit quod man. dicti Domini Regis nunc à possessione præmissorum præd. cum pertin. in placito præd. E. B. mentionat. amoveri non debent Quia dic. quod dimissio præd. prædictorum præmissorum cum pertin. fact. per J. C. præfat. E. B. pro termino xcix annorum si præd. J. C. & Sara ux. ejus conjunctim tamdiu vixerint in placito præd. E. spec. fact. fuit per præfat. J. C. apud. S. in Com. G. præd. per fraudem & covinam præfat. J. C. ad dictum Domi-

N n

nun

num Regem nunc de exit. & profic. præmissorum præd. cum pertin. per utlagar. præd. forisfact. & al. Creditor. dicti J. defraudand. Et hoc idem Attorn. dicti Domini Regis nunc General. parat. est verificare prout Cur. &c. unde petit. Judicium Ac quod præmissa præd. cum pertin. in placito præd. mentionat. in manibus dicti Domini Regis nunc remaneant Et quod ipse de exit. & profic. inde respondeatur.

*Placit. non eul. (si sit in transgress.)
ad hoc ex gra' Cur' special. admiff.*

Et modo, scilicet, in Octab. sanctæ Trinitatis hoc Termino venit hic præd. J. T. per W. H. Attornat. suum Et pet. audit. Informationis præd. Et ei legitur Qua lecta audita & per ipsum intellecta quæritur se colore præmissorum graviter vexat. fore & inquietat. Et hoc minus juste Quia protestand. quod Informatio præd. ac materia in eadem content. minus sufficien. in Lege existunt ad quæ ipse necesse non habet nec per legem terræ tenetur respondere Pro placito tamen idem Johannes dicit quod ipse de aliqua informatione prædict. spec. per ipsum fieri supposit. contra formam Statuti præd. in nullo est inde culpabilis modo & forma prout

Pleadings in the Exchequer.

547

prout per Informac. præd. versus ipsum
superius supponitur Et de hoc ponit se sup
Patriam.

Placit. qd' bon' non deven. ad possess. Def.

Et modo, &c. pro placito tamen idem
J. dic. quod bona præd. in Informac. p. d.
spec. non deveni. nec aliqua inde parcel.
devenit ad man. & possessionem ipsius Jo-
hannis Fell modo & forma prout per In-
formac. præd. versus ipsum superius sup-
ponitur Et de hoc ponit se super Patriam.
ne

Placit. super Seisur'.

Et super hoc ven. quædam A. B. per G.
W. Attorn. suum Et clamat proprietat.
præd. parcell' panni nigri in Informatione
præd. spec. ad se pertinere Et petit. au-
dit. Informac' præd. & ei legitur Qua lec-
ta & audita & per ipsum intellecta Quæ-
ritur se colore præmissorum graviter ve-
xat. fore & inquietat. & p. d. parcell. panni
nigri per præd. M. W. extra man. & pos-
session. suos capt. seisit. detent. fore Et
hoc minus juste Quia, &c.

Assignac. Error. communis.

Et præd. J. A. ven. hic in propria per-
sona sua & dicit quod in Record. & pro-
cessu

cessu præd. necnon in redditione Judicii præd. manifeste est Errat. in hoc (viz.) quod Judicium præd. redditum est pro præfat. Domino Rege versus ipsum præfat. J. A. ubi Judicium præd. reddi debuit pro ipso præfat. J. A. versus præfat. Dominum Regem Ideo in eo manifeste est erratum.

In nullo est Erratum.

Et W. J. Miles Attorn. dicti Domini Regis nunc General. dic. quod in Record. & process. præd. ac in redditione Judicii præd. in nullo est Erratum Et petit pro eodem Domino Rege quod Cur. Domini Regis hic procedat ad examinac' tam Record. & Processus quam mater. præd. superius pro errore assignat. Ac quod præd. Judicium in omnibus affirmetur

Adf. J. A. Armigeri

Record. & Processus de quibus in brevi de Errore huic Record. annexat. spec. fit mentio sequuntur in hæc verba, ff. Adhuc Coia Placita de Termino Paschæ Anno tricesimo Regis Caroli secundi,

T H E

uer.

Judicii
viz.)
o præ-
t. J.A.
ro ipso
m Re-
um.

Domini
ecord.
cii pd.
eodem
Regis
ecord.
perius
d. Ju-

brevi
spec.
verba,
mino
Caroli

H E

THE TABLE.

A.

The Kings Remedy against Accomptants 7

Accompts *see* Sheriffs

Auditors of the Exchequer, their Office

41

Forreign Apposer, his Office *ibid.*

Auditor of the Receipt, who 45

Answers to Bills brought in the Exchequer
from 155 to 212, and from 245 to 261

Affidavits 313, 315, 318, 319

Writs of Attachment 353

Writs of Amoveas manus 354 to 357

Writs of Appraisment 357, 358

Writs of Assistance, &c. 358

B.

Barons of the Exchequer known not of
the Coif 36

A Bill against the (King when) Duke of
N n 3 York

The Table.

York for an Estate that came to a Tray- tor, as Trustee	131
A Bill for discovering Tythes, whether be- longing to a dissolved Monastery or not, brought by an Impropiator of a Rectory	50
A Bill to stay proceedings at Law, upon a Suit commenced against the Plaintiff, for Rent reserved upon a Lease of Tythes in kind; and to have satisfaction for Tythes taken away, and the Lease confirmed	55
A Bill brought by the members of the Ca- nary Company after they were dissolved, to have a Lease of an house &c. (for which they paid 500 l. Fine) confirmed to them as private persons, for the residue of the terme of one and twenty years reserved in the Indenture. But in re- gard the dissolution of the said Company was pleaded, they could have Relief	72
A Bill brought to discover Assets	82
A Bill to prove a Will, executed according to the Act 29 Car. 2. for prevention of Frauds and Perjuries	97
A Bill of the late Master of the Rolls for four pounds per Annum due and payable by agreement to the use of the Liberty of the Rolls, by the Parish of Saint Dunstan in the West	106
A Bill brought by several Mortgagees a- gainst a pretended heir in Tail, to dis- cover what other Estates, are prior to the	

The Table.

*the Complainants. And to pray the Aid
of the Court to confirm their Title to the
mortgaged Premises* 112

C

C ourt of Exchequer its Antiquity	1
Custom the ground thereof, and of divers other Courts <i>ibid.</i> From whence took its name 2. Of what parts it doth consist, <i>ibid.</i> Its Jurisdiction and Pri- viledge	11
The Jurisdiction of this Court much en- larged by the Stat, 33 H.8.39. <i>ibid.</i> Lands equally chargeable in several mens Tenures	5
A suit in this Court for Tythes although both parties are spiritual	13
Court of Exchequer-Chamber what	48
Customer answerable for his Deputy	28
Custom for Goods laded in lieu of Goods lost in a Tempest at Sea <i>ibid.</i> Custom due to the King by the Common Law	29
Chancellor of the Exchequer how consti- tuted 32 And for what <i>ibid.</i> His Of- fice	ibid.
Lord Chief Baron his Office 34,35 One man Chief Baron and Justice of the Common Pleas simul & semel	35
Chamberlain of the Exchequer his Office	36
Under-Chamberlains, their Office	46

The Table.

A Certificate to the Lord Treasurer, Chancellor and Barons of the Exchequer concerning the Execution of a Commission for inquiring into the former levying of a Subsidy &c. 226	
The like Certificate of the Execution of a Commission in the Country, with the Behaviour of one of the Complainants Commissioners, who, upon his being examined as a Witness, before the opening of the Commission, did answer that he could not depose further; yet after hearing the Examination of the other Witnesses, would have been again examined, which was refused and certified	310
Writs of Commission, Dedimus potestatem	361 to 390
A Capias to answer an Information	390
Writs of Certiorari	391 to 398

D.

P roviso for Pleading in Discharge of a Debt due to the King	4
Stat. de distinctione Scaccarij	5
The Kings Debtor pertakes of his Prerogative 14	
He may sell a Chattel before Execution awarded, and it shall not be liable	15
What Lands liable to the Kings Debt, what not	14
From what time an Accomptants Lands shall be	14

The Table.

<i>be liable</i>	17	<i>Lands of Tenant in Tail</i>
<i>liable, in what Cases</i>	18, 19	<i>Lands aliened by the Issue in tail not extendable</i>
<i>19 Stat. 33 H. 8. extends not to Debts</i>		<i>originally due to a Subject to charge the heir in Tail</i>
	20	
<i>Demurrers in the Exchequer</i>	304 to 309	
<i>A Writ of Diem clausit extremum upon an Assignment</i>	493	
<i>Writs of Distringas</i>	405 to 411	
<i>A Writ of Ducens tecum upon an Attachment</i>	411	

E.

B <i>the Common Law the Kings Debtors</i>	
<i>Lands and Goods liable to Execution</i>	4
<i>Ejectment by the Kings Debtor</i>	13
<i>Exchequer see Court of Exchequer</i>	
<i>Execution at the suit of the King and party</i>	25, 26
<i>Clerk of the Estreats, his Office</i>	41
<i>Extortious Fees not to be taken by the Kings Receivers, under a penalty</i>	44
<i>Errors in the Exchequer, how reversed</i>	49
<i>Writs of Extent</i>	412 to 421

F.

The Table.

F.

Writs of Fieri Facias 421 to 426

H.

Writs of Habeas Corpus 427 to 430

I.

Information of Intrusion how prosecuted
in the Exchequer 10 Intrusion plead-
ed for the King by the Attorney 27
Writs of Injunction 431 to 435
Writ of Inquiry 435

K.

Br Stat. 33 H. 8. c. 39. the Kings Suit
is to be preferred 21 Kings Extent
to be first served ibid.

L.

Leases under the Exchequer Seal, where
good, and why 33
Licence for an Informer to compound 382
Writs of Levari facias 439 to 442

M.

The Table.

M.

M ines of Gold and Silver	30
Marshal of the Exchequer, <i>what</i>	42
Messenger of the Exchequer, <i>what</i>	47

O.

W hat Offices under the Exchequer	
Seal, <i>be good, what not</i>	34
Offices in the Chancellors Gift	ibid.
Offices not grantable for years	37
Orders of Court	69, 70, 71, 316, 320
The Informers Oath upon Licence of Com- position	384
The Collectors Oath	385

P.

W rit of Privilege	22, 442
Privilege of an Accomptant to sue and be sued in the Exchequer	23
Clerk of the Pipe, <i>his Office</i>	40
Coomptroler of the Pipe, <i>his Office</i>	40
Clerk of the Pleas, <i>his Office.</i>	41
Clerk of the Pells, <i>who</i>	46
A Plea to an Extent in the Exchequer	213
A Plea and Answer to a Bill	234
Plea of a former Bill depending in the High Court of Chancery, for the matters for which relife is sought in this Court	289

The Table.

289	<i>A Plea in Bar to an Outlawry</i>	291
	<i>Writs of Procedendo</i>	444, 445
	<i>A Writ of Proclamation</i>	446
	<i>Writs of Prohibition</i>	ibid. to 449
	<i>Diversity of Pleadings in all manner of Proceedings in the Court of Exchequer</i>	489 to 548

Q.

Q	<i>Uominus its power at suit of King and privileged person</i> 11	
	<i>For a Feefarmer</i> 12	
	<i>For the Kings Debtor</i> ibid.	
	<i>For a Monk</i> ibid.	
	<i>For a Feme Covert where the Husband is banished</i> 13	
	<i>Kings Feefarmer may have a Quominus without shewing his Lease</i>	ibid.

R.

R	<i>Ent paid to the Kings Tenant in discharge against the King, if his Tenant die on the Rent day</i>	18
	<i>The Kings Remembrancer his Office</i>	36
	<i>The Treasurers Remembrance his Officer</i>	39
	<i>Officers of the Receipt, who</i>	43
	<i>Rent where to be demanded upon the Kings Lease</i>	45
	<i>An Account of the Records transmitted from the Kings Bench and Common Pleas,</i>	
	<i>Also</i>	

The Table.

<i>Also Pedes Finium old Forrest Rolls,</i>	
<i>Affize Rolls, Placita Coronæ, and Quo</i>	
<i>Warranto Rolls, and now remaining in</i>	
<i>the 4 Tresuries of the Exchequer</i>	147
<i>Replications to Answers &c. in the Ex-</i>	
<i>chequer</i>	274 to 288
<i>Writs of Restitution</i>	398 to 402

S.

T <i>He manner of Sheriffs Accompts</i>	8
<i>Office of Searcher how granted</i>	30
<i>A Scire Facias and Extent at the Kings</i>	
<i>Suit, with the Sheriffs Retorne and In-</i>	
<i>quisition thereupon</i>	228
<i>Writs of Scire facias</i>	449 to 458
<i>Writs of Subpœna</i>	459 to 471
<i>Writs of Superfedeas</i>	472 to 486

T.

L <i>ord Treasurer how constituted</i>	30
<i>Offices in the Lord Treasurers Gift</i>	31
<i>The Kings Treasure by whom to be</i>	
<i>disposed of</i>	ibid.
<i>Under-Treasurer, his Office</i>	43
<i>Tellers, their Office</i>	46
<i>Tallay-Cutter, what</i>	47

U.

The Table.

U.

U	Sher of the Exchequer, <i>his Office</i>	42
	<i>Writs of Venditioni exponas</i>	486
	<i>Writs of Venire facias</i>	487, 488

FINIS.

ffice
42
486
488

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